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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-third report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted pursuant to Assembly resolution 65/102.

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Summary

The present report reflects information gathered during the Special Committee's mission to the occupied Palestinian territory, specifically the Gaza Strip. The Committee also convened meetings in Jordan. The report places emphasis on the situation of children in the occupied Palestinian territory, the situation of Palestinians detained by Israel and Israel's blockade of Gaza. It also addresses continuing concerns throughout the occupied territories, such as confiscation of land, demolitions, expansion of settlements and restrictions on freedom of movement.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). It is composed of three Member States: Sri Lanka (Chairperson), Malaysia and Senegal. This year the Committee was chaired by Mr. Palitha T. B. Kohona, Permanent Representative of Sri Lanka to the United Nations in New York. The Committee was also comprised of Mr. Dato' Hussein Haniff, Permanent Representative of Malaysia to the United Nations in New York, and Mr. Fodé Seck, Permanent Representative of Senegal to the United Nations Office at Geneva.

II. Mandate

2. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. The occupied territories are considered those remaining under Israeli occupation, namely, the occupied Syrian Golan and the occupied Palestinian territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip.

3. The present report is submitted pursuant to General Assembly resolution 65/102. By this resolution, the Assembly requested the Special Committee, "pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter". The Assembly also requested the Committee "to continue to investigate the treatment and status of the thousands of prisoners and detainees, including children and women, in Israeli prisons and detention centres in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".

III. Activities of the Special Committee

A. Efforts to initiate dialogue with the Government of Israel

4. Since the General Assembly established the Special Committee, the Government of Israel has refused to recognize or cooperate with it. The Committee regrets that, notwithstanding substantial efforts on its part over the past year, the Government of Israel continued its practice of not recognizing or cooperating with it.

5. On 30 May 2011, the Chairman sent a letter to the Permanent Representative of Israel to the United Nations Office at Geneva. The letter informed the Permanent Representative that the Special Committee would convene meetings in Geneva on 14 and 15 June 2011. The letter stated that the Committee would be grateful for an

opportunity to meet with the Permanent Representative and proposed a time and venue for a meeting. No formal response was received from the Permanent Representative. Yet the secretariat was informally informed that, while the Permanent Representative would not accept the Committee's proposed time and venue for such a meeting, it would be possible for the members of the Committee to come to the Permanent Mission of Israel for an informal discussion with the Permanent Representative. It was brought to the attention of the Permanent Mission that the Committee's meetings were being held at the headquarters of the Secretariat, including meetings with other permanent representatives. Still, with a view to initiating an open dialogue with the Government of Israel, the members of the Committee offered to host a working lunch, at its own expense, to which the Permanent Representative would be invited. Nevertheless, the Committee's invitation was refused.

6. On 21 June 2011, the Chairman sent a further letter to the Permanent Representative of Israel to the United Nations Office at Geneva. This letter informed the Permanent Representative of the Special Committee's intention to carry out a mission to the region. The letter requested that the Government of Israel grant full access to the occupied territories and that the Committee be permitted to hold consultations with relevant Israeli authorities regarding the human rights situation in these territories. No response was received.

B. Field mission to investigate Israeli practices

7. Owing to the continuing practice of non-recognition of and non-cooperation with the Special Committee by the Government of Israel, the Committee's annual mission to the region was not able to directly access all of the occupied territories within its mandate, or to hold consultations with relevant Israeli authorities. Yet the Committee was able to carry out its first-ever visit to the occupied Palestinian territory, specifically to the Gaza Strip, by crossing Egypt's border with Gaza. Meetings in the Gaza Strip took place from 21 to 25 July 2011. The Committee also convened meetings in Jordan from 26 to 28 July 2011. In light of the situation in the Syrian Arab Republic during the period in which the mission took place, the Committee was not able to convene meetings there this year. However, the Committee was able to engage with interlocutors in the occupied Syrian Golan, by way of teleconferences convened during the visit to Jordan.

8. The Special Committee sought a wide range of views regarding Israeli practices affecting the human rights situation in the occupied territories. Invitations were extended to Palestinian, Israeli and Syrian victims, witnesses and non-governmental organizations, and support was made available to facilitate their appearance before the Committee. Documentation and other materials submitted to the Committee were reviewed in advance of the preparation of the present report.

9. The Special Committee was particularly grateful to have the opportunity to meet with Ms. Rabeeha Diab, Minister of Women's Affairs, Palestinian Authority, and Mr. Issa Qaraqe, Minister of Prisoners' Affairs, Palestinian Authority. The Committee also met with officials from United Nations agencies. In addition to meetings, while in the Gaza Strip the Committee visited the ash-Shati refugee camp, housing construction projects of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and an UNRWA summer camp for

Palestinian refugee girls. At the conclusion of the visit, in Amman, the Committee held a press conference.

10. The cooperation of the Government of Egypt in facilitating the visit to Gaza of the Special Committee was essential, and the members' gratitude is emphasized in this regard. The members are thankful for the cooperation of the Government of Jordan in the fulfilment of the Committee's visit to Amman. The Committee also expresses its gratitude to the office of the United Nations Resident Coordinator in Egypt, the Commissioner-General of UNRWA and the Office of the United Nations High Commissioner for Human Rights in the Occupied Palestinian Territory for their valuable assistance in carrying out the mission.

IV. Situation of human rights in the occupied Palestinian territory

A. The Gaza Strip

11. The Gaza Strip is addressed separately in the present report since the Special Committee was able to observe the situation first-hand and to give prominence to the widespread violations resulting from Israel's blockade. The Committee affirms that the Gaza Strip is an integral part of the occupied Palestinian territory. It reaffirms that Israel maintains its status of the occupying power of the Gaza Strip and therefore all of its relevant obligations under international humanitarian law and international human rights law. The Committee's visit to the Gaza Strip consisted of meetings with 24 witnesses or victims, United Nations agencies working on human rights issues and the above-mentioned visits to a refugee camp, a school construction site and an educational facility.

12. The overarching observation of the Special Committee regarding the situation in Gaza is that Israel's blockade, which has been in place for over four years, continues to collectively punish the civilian population. The Committee further observes that the blockade neither undermines support for the de facto authorities in Gaza nor enhances Israel's security. This collective punishment, which violates Israel's international legal obligations, is having a grave impact on the children of Gaza. The other most urgent concerns that emerged from the Committee's meetings in Gaza include Israeli-enforced restrictions on freedom of movement within Gaza, in particular their impacts on the agricultural and fishing industries, and Israel's restrictions on the importation of materials necessary to reconstruct or build houses, schools and other infrastructure destroyed by Israel during operation "Cast Lead". These specific issues are addressed in detail below, following an overview of the current situation in Gaza.

Overview

13. Of the total population of Gaza, at present approximately 70 per cent (around 1.1 million people) depend on the United Nations for humanitarian assistance. Ten per cent of all jobs in Gaza are sponsored by the United Nations. The rate of unemployment is currently at 40 per cent, while real wages for those who do have jobs have decreased by 30 per cent since Israel initiated its blockade. It was noted that 90,000 Gazans had lost their jobs in Israel owing to the blockade. Furthermore, 90 per cent of the factories in Gaza have stopped work owing to the lack of access

to raw materials. It is in this context that Gaza's private sector economy has nearly come to a halt and that 38 per cent of Gaza's families are struggling with food insecurity.

14. Yet these statistics do not adequately portray key impacts of Israel's blockade on the civilian population of Gaza. The Special Committee received extensive testimony regarding the high prevalence of physical and mental health problems that have resulted from the ongoing blockade. Organizations working on health issues stressed that there had been increases in high blood pressure, cancers and other physical ailments, while psychological conditions, such as depression, conversion disorder and post-traumatic stress disorder were widespread. It was stressed that the people of Gaza were living under an intense degree of psychological trauma, which for many people was leading to a sense of loss of control over their lives and, for some people, deep anger and a proclivity to try to resolve problems through violence. Furthermore, physical problems arising from such intense stress were increasing demands on primary health-care givers, who in many cases were misdiagnosing and prescribing inappropriate medications, including addictive pain killers.

15. Pregnant women, in particular, were suffering: 54 per cent of pregnant women were experiencing depression; 33 per cent were overweight and 33 per cent were suffering from anaemia. It was emphasized that pregnant women did not have access to sufficient nutrients to safely and successfully carry their pregnancies full term. It was alleged that that was likely to be driving the increasing incidence of stunting in Gaza and the fact that 95 per cent of Gaza's water was unfit for human consumption was leading to cases of methaemoglobinaemia ("blue-baby syndrome") among babies born in Gaza. In addition, the Special Committee was briefed on allegations that the Government of Israel has a "red-lines document" that outlines how many calories a day each Gazan requires simply to survive, which according to information received, has been determined by Israeli authorities to be 620, and guides Israeli policies regarding the importation of basic foodstuffs.

The urgent need to reconstruct Gaza

16. The Special Committee saw first-hand that much of the devastation of infrastructure that occurred during Israel's operation "Cast Lead" in December 2008 and January 2009 remains. Interlocutors informed the Committee that the reconstruction of Gaza was not possible in the present circumstances, as Israel's blockade inhibited the importation of sufficient materials. The members received reports that about 51,000 civilians had lost their homes during the operation and that there was a need for about 76,000 homes to be built on an annual basis, including to account for natural population growth. While UNRWA noted that its Gaza recovery plan called for the construction of 100 schools and 10,000 homes, it stressed that the process of receiving Israel's approval for projects was extremely slow, with bureaucratic intricacies making it unnecessarily difficult and burdensomely expensive to carry out construction projects. UNRWA also noted that, currently, only 28 per cent of its Gaza recovery plan had been approved by Israel.

17. One problem that was mentioned by several interlocutors is that Israel is only operating one crossing point for cargo and commercial goods. It was widely acknowledged that a significant amount of goods, including construction materials, is entering Gaza through underground tunnels. Yet the danger of buying such goods

was emphasized, especially since their provenance and quality are unregulated. The Special Committee was informed that some materials smuggled into Gaza through the tunnels had been found to be carcinogenic. Particular concern in that context was expressed in respect of the trustworthiness of medicines that were being smuggled through the tunnels.

18. The need to reconstruct Gaza extends to urgent deficiencies of water treatment and power facilities. As to the latter, several witnesses raised problems related to the lack of sufficient electricity. The Special Committee was informed that 38 per cent of Gaza's electrical needs were not being met. In this context it was recalled that 40 to 45 per cent of Gaza's electricity supply derived from Israel, whereas 10 per cent came from Egypt and the remainder was provided from within Gaza. Witnesses stressed the need for hospitals and blood banks to have a reliable supply of electricity. Other problems connected to the lack of electricity included the negative effects on children's respiratory systems that resulted from the widespread use of generators; the regression to more laborious means of cooking and carrying out other daily activities in the home; and the particular suffering of elderly persons who lived in apartment buildings and could not rely on functioning elevators. With regard to the latter, the Committee was informed of the recent death of an elderly woman who had required oxygen just to get up the stairs to her apartment.

19. In the general context of concerns regarding the importation of goods into Gaza, a number of witnesses raised concerns about the lack of access to cooking gas. The Special Committee was informed that there had been a "cooking gas crisis" for over a year, with Israel only permitting 110 tons daily to enter Gaza, whereas there was a need for 350 tons daily in the winter and 200 tons daily in the summer. That "crisis" had led authorities to strictly ration supplies of cooking gas. Witnesses recalled a 10-day period during which no cooking gas had been allowed to enter Gaza and asserted that the "crisis" especially affected women in Gaza in light of their traditional roles within the family.

Israeli-enforced restrictions on freedom of movement in Gaza

20. Israel's enforcement of its blockade by restricting freedom of movement within certain areas of Gaza, including maritime areas, was a principal concern of several of the Special Committee's interlocutors. The Committee was briefed on the impacts on Gaza's agricultural and fishing industries of Israel's implementation of a so-called "buffer zone" in Palestinian territory adjacent to Israel and the restriction of Gaza's fishing areas. The members were alarmed by consistent allegations that Israel enforces such restrictions through the use of live fire, resulting in the killing and injury of civilians, including children.

21. Witnesses and organizations explained that Israel's "buffer zone" excluded around 35 per cent of Gaza's land territory from agricultural use. The general view of many Gazans is that this land has essentially been confiscated by Israel, notwithstanding the fact that it is unambiguously within Gaza. While it was noted that Israel had dropped leaflets declaring that areas up to 300 metres from the wall between Gaza and Israel were restricted, that anyone entering those areas was liable to be shot and that such a response was justified since residents had been warned, the Special Committee received information that the area of enforcement actually extends beyond 300 metres, with different interlocutors claiming it reaches anywhere from 600 to 1,500 metres. Witnesses informed the members that the

majority of Gaza's livestock used to be kept in that area; however, 50 per cent of the pens had been destroyed by Israel and could not be repaired since it was unsafe to enter the "buffer zone".

22. It was emphasized that those restrictions compounded the destruction of the agricultural industry that had occurred during operation "Cast Lead". Witnesses alleged that the Israeli operation had specifically targeted and destroyed 60,000 dunums of agricultural land, greenhouses and wells, and cattle, poultry and sheep stocks, with immediate losses estimated to be around $200 million. Still, it was noted that it took many years to regrow certain crops and the continuing violence perpetrated against Gaza meant that land and crops that were replanted were frequently redestroyed by Israel, thereby greatly increasing the financial losses of the agricultural industry.

23. Witnesses and organizations also emphasized the extent to which the agricultural industry had been devastated by prohibitions on exports and the quality and availability of water. With regard to the latter, the lack of water treatment facilities meant that the water available was of poor quality and therefore not suitable for agricultural purposes. It was recalled that Gazans used to collect water from Mount Hebron for agriculture, but that seven years ago Israel had diverted that supply for use by Israeli farmers, which had resulted in a shortage of water for Gazan agriculture. With regard to exports, the Special Committee was informed that all agricultural exports were banned, except for small amounts of strawberries and flowers that were channelled through Israeli businesses. Thus, since agricultural products were sold at low prices locally and crops could be exported, farmers were no longer growing many crops. The ban on the import of agricultural materials and the concomitant lowering of the quality of crops, was also cited as undermining the agricultural industry in Gaza.

24. The Special Committee received testimony regarding the sharp decline in Gaza's fishing industry. It was recalled that Gaza used to export fish, but that fish were currently being smuggled into Gaza through tunnels. Witnesses noted that the Oslo Accords allotted 20 nautical miles of maritime area off Gaza as Palestinian territory, but that that had been persistently reduced by Israel, with the result that it was currently only 3 nautical miles. It was consistently stated that the 3 nautical mile area had been nearly depleted of fish. One telling statistic was that fishermen's catches fell by around 50 per cent from 2008 to 2009. The Committee received reports that, as a direct result of Israel's restriction of fishing areas, of the 3,300 registered fishermen in Gaza, 92 per cent now lived in poverty.

25. Two particular aspects of the "buffer zone" and its enforcement appear to have led to the killing and injury of numerous Palestinian civilians, including children and elderly persons. The first is that Israel enforces the prohibition on movement within the zone through the use of live fire, in flagrant violation of the international humanitarian law principle of distinguishing between civilians and persons participating in hostilities. The second is the ambiguity regarding the actual area that Israel considers, in practice, to be within its "buffer zone". It was stressed by a number of interlocutors that those two aspects were equally of concern with respect to Israel's enforcement of restrictions on freedom of movement within Gaza's maritime area. The Special Committee received detailed reports from witnesses, organizations and United Nations agencies regarding Israeli attacks in or near the "buffer zone". The members were dismayed by reports that 17 Palestinian children

had been killed in such incidents in 2010 and further dismayed by reports that three more children had been killed in or near the "buffer zone" in March and April 2011. The Committee was briefed on an Israeli attack that had taken place on 12 September 2010, which had resulted in the killing of a 91-year-old man, his 16-year-old grandson and a 17-year-old friend. It was noted that they had been farming their land in an area approximately 600 metres from the Israeli wall around Gaza. The Committee also received an account of Israeli attacks that had taken place on 7 and 8 April at a farm near Khan Younis, which resulted in 5 civilians killed, including a father and his child, as well as 14 civilians wounded, including 5 children. In addition, the members heard accounts of frequent live-fire attacks on Palestinian fishing boats by Israeli naval forces, including within the allotted 3 nautical mile limit.

The situation of children in Gaza

26. The Special Committee received extensive information on the grave impact that Israel's blockade is having on children in Gaza. Frequent direct exposure to extreme violence, including being victims of such violence, a general feeling of helplessness and lack of opportunities, obstruction of the right to education and rapidly deteriorating physical and mental health constitute the most immediate concerns.

27. Witnesses drew the members' attention to indicators of particular concern with respect to children's health: 75 per cent of children at the age of nine months were anaemic; 13 per cent of children under 5 years of age suffered from malnutrition; and 25 per cent of children did not eat breakfast. It was asserted that deficiencies in iron, iodine and vitamins A and D were diminishing children's capacity for learning. The Special Committee was informed that 26 per cent of Gaza's children exhibited serious difficulties concentrating; 23 per cent of Gaza's children suffered from bedwetting; the incidence of children suffering from epilepsy was rising; and a general inability to withstand pressure was increasingly common. The Committee was repeatedly told that the climate of deep anxiety, tension and stress was contributing to increased incidences of behavioural problems in schools and homes, including the use of violence. The members were also told of 20 instances within the past year when Israeli authorities had denied Palestinian children the possibility of travelling to receive necessary medical treatment and that in one such instance a 3-year-old child had died while awaiting permission to travel.

28. Much of the information conveyed to the Special Committee regarding the situation of children in Gaza concerned access to education. The members were informed of the lack of facilities for 40,000 children who were entitled to attend UNRWA schools. In response to the shortage of schools, UNRWA was operating 95 per cent of its schools on a double shift basis, and was using shipping containers as classrooms. Even the containers were severely overcrowded, having to accommodate up to 50 children at the same time, with 3 children at each desk. Numerous interlocutors stressed the negative impact on educational standards that followed from such overcrowding. The Committee was informed that in the past year around 40,000 students had not qualified to proceed to the next level of their studies and, as such, would need to repeat their current level. The Committee was worried to learn that school enrolment in Gaza had been steadily decreasing since 2007.

29. As noted, the UNRWA Gaza recovery plan envisages the construction of 100 new schools. However, the above-mentioned restrictions and complications related to importing construction materials are seriously inhibiting the building of the required schools. They also inhibit the importation of essential school supplies, such as pencils and books. Witnesses further explained that restrictions on freedom of movement placed additional burdens on educational institutions in Gaza, since students could no longer pursue educational opportunities in the West Bank or abroad.

30. A further serious concern brought to the attention of the Special Committee was the precarious situation of the 65,000 to 75,000 children who live in or near the "buffer zone". These children can only travel to and from school in fully clear light of day, otherwise they risk being shot at by Israeli security forces. This concern is especially relevant given that so many schools are operating on a double shift basis and therefore classes take place during a wider range of hours. Furthermore, the Committee was informed that the declining rate of school enrolment was being matched by an increasing rate of child labour, in particular in and near the "buffer zone". According to information received, one of the main sources of work for children in that area was to collect scrap building materials to sell at the local market. In light of the restrictions on the importation of building materials, such materials were in demand and brought much needed money for families in poverty. However, Israel's policy and practice of using live fire to enforce restrictions on freedom of movement within Gaza, as discussed above, put those children at extreme risk. The Committee was briefed on several incidents of children carrying out such work being killed or injured over the past year.

31. Against this backdrop, witnesses and organizations informed the Special Committee that there was a serious lack of opportunities and hope for the children of Gaza. It was noted that every year up to 17,000 students graduated from school and then could not find jobs. Witnesses questioned how Gaza could empower its children, in their current circumstances, to live productive, meaningful and peaceful lives. The view was repeatedly expressed that that lack of opportunities and hope greatly increased the probability of youths being encouraged to extremism.

B. The West Bank, including East Jerusalem

32. The Special Committee met with 19 victims, witnesses and representatives of organizations in Amman, with a view to gathering information about the situation in the West Bank, including East Jerusalem. As in previous years, a wide range of serious and urgent concerns regarding Israeli practices affecting human rights and international humanitarian law were communicated to the members. The most prominent concerns related to Israel's continuing confiscation of Palestinian land; its continuing demolition of Palestinian homes and other infrastructure, and consequential displacement of families; its continuing expansion of settlements; and the increasingly disturbing phenomenon of violence against Palestinians and their property by Israeli settlers. The impact of Israeli policies and practices affecting children was also consistently raised as being of utmost concern in the West Bank, including East Jerusalem.

Land confiscation, demolition, displacement and settlements

33. Witnesses briefed the Special Committee regarding Israel's active confiscation of land in the West Bank. According to information received, 17,684 dunums of land had been confiscated from August 2010 to June 2011 and 893 Palestinian homes had been demolished within that period. A steep rise in demolitions in the first six months of 2011 was underlined. With respect to settlements, the members were informed that 9,204 housing units for Israelis were being constructed in settlements in the West Bank at the time of their mission. It was pointed out that most of those units were west of the wall, which suggested Israel's intention to attempt to annex that territory. Furthermore, witnesses highlighted some of the environmental impacts of Israeli settlements, including the effects of solid waste, sewage water and manufacturing refuse that was being dumped on Palestinian land and in Palestinian water supplies. The members were particularly concerned to be informed that plans and tenders already existed for the construction of approximately 50,000 housing units in the West Bank over the next decade. In addition, witnesses recalled that Israel persisted with the construction of the wall, which took up 10 per cent of the territory in the West Bank and isolated 12 per cent of Palestinians from the rest of the West Bank.

34. Israel's confiscation and de facto annexation of farmlands and land containing Palestinian homes and other structures in the Jordan Valley received significant attention. It was stressed that the Jordan Valley constituted the most fertile land in the West Bank and had the most water resources, potential for tourism and economic development. Witnesses stated that Israeli settlers were taking over Palestinian farmlands and exhausting available water resources. It was noted that each Israeli settler was allotted 36 times the amount of water that was available for each Palestinian. It was further noted that additional land in the area was being confiscated just to build roads linking the settlements. The members were also informed that, throughout Area C, Israel was vigorously expanding settlements, establishing "closed military zones" and designating certain areas as nature reserves. Witnesses emphasized that such efforts not only diminished the ability of Palestinians to freely dispose of their natural wealth and resources, but also pushed Palestinians off of their land and out of their traditional livelihoods.

35. The attention of the Special Committee was drawn to the urgency of the situation of the Bedouins in Area C. Witnesses told the Committee that 55 Bedouin homes were under immediate threat of demolition, thus raising concerns about the likely eviction and displacement of hundreds of people. According to information received, within the past year 795 demolition notifications had been issued against Bedouin structures. Moreover, "closed military areas" and nature reserves had greatly restricted cattle-breeding by the Bedouins. One result of such policies was that 79 per cent of the Bedouins in Area C lacked food security. In addition, the Committee was briefed on Israel's plans to relocate approximately 2,300 Bedouins living in Area C. The purpose of the planned relocation of the Bedouins was to make room for the expansion of Israeli settlements.

36. The difficult situation for Palestinians living in East Jerusalem was highlighted to the Special Committee. While it was acknowledged that East Jerusalem was an integral part of the occupied Palestinian territory, it was noted that Palestinians constituted 36 per cent of the population of Jerusalem, yet they only received 9 per cent of the municipal budget. It was also noted that 70 per cent of the Palestinians in

East Jerusalem were living below the poverty line. Israeli interlocutors with whom the Committee met alleged that poverty was a tool used by Israel to subjugate Palestinians in East Jerusalem, in particular to force them to concentrate on everyday survival in lieu of becoming involved in politics or activism. The Committee was informed that $60 million in fines for "illegal" building had been levied against Palestinians in the past 10 years, while 1,074 home demolitions had been carried out by Israeli authorities against Palestinians in the same period. It was further noted that Palestinians were charged heavy fines by Israeli authorities for the demolition of their own homes, thus driving some Palestinians to demolish their own homes to avoid such fines.

37. The members were told of two forms of institutionalized discrimination, the objectives of which appeared to be to drive Palestinians away from East Jerusalem or otherwise control their lives. In the first instance, witnesses referred to the Israeli authorities' policy of not identifying Palestinian neighbourhoods on official street signs, thereby implicitly denying or erasing knowledge of their existence. In the second instance, the Israeli authorities restricted access to zoning, municipal planning, municipal budgets and basic services to lower Palestinians' standards of living. Issues related to zoning and municipal planning were explored in detail and it was stated that Israel used at least six means to restrict Palestinian building, confiscate Palestinian homes and properties, evict Palestinians from their homes and demolish homes and other structures. The Special Committee heard that Israeli authorities did not develop the requisite zoning plans for East Jerusalem; did not provide the necessary infrastructure to support new buildings for Palestinians in East Jerusalem; made it impossible for Palestinians to obtain or provide the necessary documentation to prove that they owned their property; did not officially register the borders of plots owned by Palestinians; dictated that certain areas, for example the "holy basin", were entirely off-limits for construction; and created other obstacles, such as delaying permits until the approval of the "master plan", the development and approval of which were not actually foreseen. It is within this skein of bureaucratic policies that, according to testimony provided to the Committee, Israel was intentionally making life abject for Palestinians in East Jerusalem.

Violence by Israeli settlers against Palestinians and their properties

38. The Special Committee was informed that nearly 500,000 Israeli settlers currently occupied over 40 per cent of the land in the West Bank and that 30 per cent of the Israeli settlements had been built on privately owned Palestinian land. With the expanding presence of Israelis on Palestinian territory, the Committee was informed that violence by settlers against Palestinian civilians and their properties was reaching alarming proportions. According to witnesses, such attacks were especially common around Nablus and Hebron.

39. The Special Committee heard testimony alleging extensive direct cooperation between Israeli settlement organizations, notably the Yesha settlement council, and Israeli authorities. Not only did such cooperation reportedly comprise the surveying of Palestinian land by private Israeli actors and subsequent confiscation by the Government of Israel, it also reportedly comprised advocacy by Israeli settler groups to have Palestinian structures near settlements demolished by Israeli authorities. Yet, the even more disturbing form of cooperation on which the members were briefed consists of Israeli security forces providing protection for

Israeli settlers who violently attack Palestinians and their properties. The Committee received shocking testimony of such cooperation. It was told that, in July 2011 near Burin, the Israel Defense Forces had set up roadblocks to prevent anyone from stopping fires that had been started by Israeli settlers and which had eventually burned down entire Palestinian orchards. The Committee was told of several incidents of Israel Defense Forces protecting Israeli settlers who were actively uprooting Palestinians' olive trees. The members were also told of the unleashing of attack dogs, by Israeli security forces, against Palestinians who were trying to protect themselves or their properties from attacks by Israeli settlers. In addition, the Committee was informed of the developing practice of Israeli security forces and settlers cordoning off land that had been confiscated from Palestinian civilians and establishing settlements, including "outposts", during the middle of the night, with a view to avoiding media coverage or social protests that drew attention to such activities.

40. A number of witnesses stressed that Israeli settlers who perpetrated violence against Palestinians and their properties benefited from near absolute impunity for what was plainly criminal behaviour. In that regard, an overtly discriminatory policy and practice of law enforcement vis-à-vis the settlers and Palestinians was highlighted. One example that was brought to the attention of the Special Committee concerned a settler who had been convicted of killing four Palestinians, yet had only been sentenced to house arrest by the Israeli judiciary.

The situation of children in the West Bank, including East Jerusalem

41. Testimony regarding the situation of children in the West Bank, including East Jerusalem, focused on Israeli policies and practices related to the arrest and detention of children and impediments to the right to education. The Special Committee noted with concern the 22 per cent dropout rate in secondary schools in the West Bank and was particularly worried that 75 per cent of students who dropped out were boys. Witnesses stressed that such children increasingly were involved in child labour.

42. The members were informed that the lack of access to education was acute in East Jerusalem, with an urgent need for at least 1,000 classrooms. It was noted that that lack of classrooms was another result of the above-mentioned restrictions on zoning, planning and construction in East Jerusalem, which extended to the expansion of existing construction. The Special Committee was informed that approximately 5,300 children in East Jerusalem did not attend any school at all. It was noted that while there were 56 preschools in West Jerusalem, there were only 2 in East Jerusalem, with the result that 15,000 three- to four-year-old Palestinian children in East Jerusalem were denied the education that the municipality was obligated to provide. The Committee was dismayed to learn that five of East Jerusalem's private schools, which were operated by Palestinians and were providing primary education for over 750 children free of charge, had demolition orders and fines pending against them.

43. Extensive restrictions on freedom of movement in the West Bank impede access to education for Palestinian children, according to information received by the Special Committee. The wall constitutes one example, since Palestinian schools west of the wall are often attended by students and staffed by teachers who live on the east side. Thus, daily access to their schools is severely complicated by the need

to pass through invasive, time-consuming checkpoints. The members were informed that the wall and other restrictions on movement often caused children and teachers to miss school. In general, witnesses explained that such restrictions, in particular the wall, limited the educational choices available to students. That was especially pertinent to students who wished to pursue university studies, since their ability to pursue a specific course, for example in medicine, might not be practicable owing to a lack of reliable access to the relevant educational institution. Yet, even beyond such restrictions, security operations in the vicinity of schools, especially in Area C, and attacks by settlers on children travelling to or from school not infrequently resulted in children not attending classes. The Committee was informed of one instance in which settlers flooded a Palestinian school in Hebron with sewage.

44. Witnesses raised a range of serious concerns regarding Israeli policies and practices related to the arrest and detention of children in the West Bank, in particular East Jerusalem. In 2010 in Silwan and Al-Bustan, Israeli authorities had detained more than 1,200 Palestinian children. The Special Committee was told that one child in every Palestinian family in Silwan had been detained by Israel in 2010. In the West Bank beyond East Jerusalem, the Committee was informed that more than 700 Palestinian children had been detained. The Committee was deeply concerned by reports that children between 8 and 10 years of age were being detained with increasing frequency.

45. The Special Committee was alarmed by allegations concerning the treatment of children once detained. It noted with profound concern that such treatment would amount to torture or cruel, inhuman or degrading treatment or punishment. One witness briefed the members on a survey of 45 cases of children who had been detained. Of those 45 children, 98 per cent had had their hands bound; 91 per cent had been blindfolded; 60 per cent had been kicked and/or beaten; 69 per cent had been arrested after midnight; 60 per cent had been subjected to threats; 56 per cent had been subjected to naked body searches; 76 per cent had been detained inside Israeli territory; 29 per cent had been sexually threatened; and 9 per cent had been sexually attacked. Tellingly, 69 per cent had confessed to the charges against them within one hour, often signing confessions in Hebrew, a language they did not understand. The Committee heard testimony regarding children being beaten with batons and rifle butts, including inside Israeli military vehicles, and being taken to Israeli settlements to be interrogated, where they were confined in toilets, urinated on and forced to drink toilet water.

46. The members were briefed on problematic sentencing practices of Israeli courts that judge Palestinian minors. The Special Committee was informed that families were typically required to pay fines that they could not afford in order for their children to be released. As a result, many children remained in detention for extended periods. The Committee was further informed of an increasingly common Israeli practice of expelling Palestinian children from their homes, thereby requiring children to move to another area and live with persons outside their immediate family, or requiring their entire family to move. It was stated that 12 children in East Jerusalem had received such sentences in the past year. Witnesses noted that that practice appeared to dovetail with Israeli efforts to evict Palestinians from certain areas of East Jerusalem for the purpose of building more settlements, in particular when the significant numbers of children being detained in Silwan and Al-Bustan are noted.

47. The Special Committee received testimony that a significant number of detentions of children were connected to Israeli efforts to impede the right to education. It was reported that waves of arrests of students took place just before or during exam periods and, specifically, that 480 students had been arrested in such circumstances over the past five years. Witnesses stated that students arrested were often detained through the exam period, although 86 students detained in such circumstances remained in detention as of the Committee's mission. Witnesses expressed the view that that practice was aimed at dissuading students from getting involved in politics or activism, since according to reports, students had been informed by Israeli security forces that they would be re-arrested if they participated in protests or otherwise participated in student organizations concerned with political issues.

48. Witnesses described a general context of children in the West Bank who lived in fear of being detained, ill-treated, separated from their families or having their homes demolished. It was emphasized that such fears related not only to Israeli security forces, but also to Israeli settlers. The members were informed that 72 per cent of Palestinian children in the West Bank had been arrested at least once; 16 per cent had been arrested more than once; and 50 per cent of children arrested did not meet a lawyer or family member for months. The members were also informed that, similar to Gaza, there were increasing incidences of post-traumatic stress disorder, bedwetting and a proclivity to respond aggressively to pressure among children in the West Bank.

C. Palestinian prisoners and detainees in Israeli prisons and detention centres

49. As in previous years, the Special Committee was briefed extensively on the situation of Palestinians detained by Israel. Also as in previous years, a wide range of serious concerns were raised with respect to Israel's obligations under international law in relation to Palestinians detained by Israel. These concerns included the legal status of such prisoners; family visits; access to proper medical care; conditions and treatment during detention; concerns particular to female detainees; access to education for detainees; and administrative detention and other forms of incarceration of heightened concern. The members received differing information regarding the current number of detainees, with a range from 5,900 to 7,000. They were informed that there were currently 260 children, 36 women, 220 "administrative detainees" and 9 parliamentarians who were retained. It was brought to the Committee's attention that Israel also detains the bodies of Palestinians who have died during military engagements or other attacks.

50. The members noted with deep regret that, according to one witness, one in every four Palestinians had been detained by Israel since the occupation had begun in 1967. One victim explained to the Special Committee his experience of being detained for two full years without having been charged, under so-called "administrative detention", on the basis of a "secret file" which neither he nor his lawyer had ever seen. In addition, the Committee's attention was drawn to a new policy of continuing to imprison Palestinians at the conclusion of their sentences, under the designation of "illegitimate fighter" status, as well as a new Israeli law allowing for the detention of any Palestinian who has previously been detained.

51. Several interlocutors raised questions regarding the legal status, under international law, of Palestinians detained by Israel. The Special Committee was informed that Israel applied either domestic legislation or Ottoman laws to Palestinian detainees. Yet it was noted that persons had been arrested in a broad range of circumstances, including having been arrested while in uniform. Witnesses questioned whether some detainees should be accorded prisoner of war status and whether many detainees should be recognized as political prisoners. The view was widely expressed that the international community was not holding Israel accountable with respect to its international legal obligations in relation to Palestinian prisoners. Several witnesses expressed hope that the Committee would focus the attention of the international community on Israeli policies and practices relating to Palestinian prisoners.

52. Witnesses repeatedly noted that nearly five years had passed with Israel not allowing family visits. The members were told that, while in Gaza the overall travel ban inhibited family visits, in the West Bank Israeli "security measures" made such visits impossible in practice. It was recalled that Israel had proposed the possibility of allowing videoconferencing or specific families to visit, in particular for elderly or sick prisoners. Yet such developments had never materialized. It was also repeatedly noted that Israel's practice of detaining Palestinians inside Israeli territory lead to the de facto ban on family visits, and that that practice was in flagrant violation of international humanitarian law. The Special Committee heard numerous testimonies about divided Palestinian families, including fathers, sons and husbands who had never met their children, participated in daughters' weddings, attended children's school graduation, or been present at parents' funerals.

53. Testimony regarding the situation of Palestinian prisoners in Israeli jails included allegations regarding the lack of medical treatment. In many cases such testimony extended to allegations of medical negligence. The members of the Special Committee were told that 1,500 Palestinians currently detained had urgent medical needs, including with respect to serious diseases. The members were also told that medical facilities for prisoners were not only limited, but also were not different from normal prison facilities and that that included a harsh regime of inspections and raids to which all patients were subjected. It was asserted by some witnesses that there was a practice of testing pharmaceuticals on Palestinian prisoners and that that might explain not only the high rate of deaths of prisoners, but also the poor state of health in which many prisoners were released. It was alleged that there had been 203 deaths of Palestinian prisoners owing to such experimentation.

54. The Special Committee received extensive testimony regarding treatment of detainees and conditions of prisons. While general deprivations of food, clothes, books and other basic needs were noted, testimony also consisted of allegations of treatment and conditions that would amount to torture or cruel, inhuman or degrading treatment or punishment. The use of solitary confinement, including for extended periods of time, was highlighted by several witnesses as a common form of punishment. One case brought to the members' attention concerned the solitary confinement of a prisoner for over nine years. The deeply negative impacts on mental and physical health of this practice were stressed by several interlocutors. Furthermore, the Committee heard allegations of treatment of detainees that involved such practices as deprivation of sleep; beatings, including on the head; insults regarding nationality and family members; denial of ability to observe

religious practices; prevention of bathing for periods of up to 30 days; denial of visits from lawyers; being forced to remain in awkward positions for long periods of time; filling cells with insects; naked inspections, including the aggressive grabbing of testicles and attempts to force objects into the anus; and the spilling of hot liquids, including oil. The Committee also heard allegations of an increase in methods of psychological torture, which included threats of suffocation and sexual assault. The Committee was informed that more than 700 cases concerning allegations of such treatment that had been brought to the attention of the legal adviser to the Israeli Government had resulted in zero investigations. According to this witness, while the Government of Israel had not denied the allegations in 20 per cent of those cases, it was claimed that such treatment was in response to so-called "ticking time-bomb" cases.

55. The Special Committee heard specific concerns regarding the situation of female Palestinian detainees, including from women who had been imprisoned by Israel. It was noted that as of the Committee's mission, 36 Palestinian women were imprisoned. Whereas a lack of female doctors for female prisoners was highlighted, women testified to having to accept being put in solitary confinement in exchange for receiving medical treatment. One witness stated that his relative, a female detainee, had been in solitary confinement for two years and was not allowed to have any communications with family members or receive any books. Another witness recounted being detained in an undignified manner, placed in an underground cell that was full of insects, exposed to an extremely cold air conditioner, interrogated for eight hours without sleep and subjected to beatings. The same witness told the Committee that she had not been allowed to see either a lawyer or a representative of the International Committee of the Red Crescent for three weeks, and that when the Israeli authorities had found out that she was pregnant, she had not been given appropriate medical care or proper sustenance. Furthermore, she described giving birth to her child while chained to the bed without any blankets and stated that even though she had not been able to nurse her baby, prison authorities had refused to provide appropriate milk. The Committee noted with deep concern reports that there were many women who were sentenced while pregnant, had children, and were forced to keep their children with them in prison.

56. Several witnesses and organizations referred to remarks made by the Prime Minister of Israel on 24 June 2011, to the effect that Palestinian prisoners would be given harsher treatment, stricter penalties and no longer be allowed to pursue educational opportunities. It was noted that, at that time, there were 280 Palestinians pursuing university studies from prison, and 1,800 Palestinians pursuing a secondary degree from prison. Witnesses noted that the carrying out of the Prime Minister's remarks would result in violations of prisoners' rights and would likely amount to collective punishment. Witnesses asserted that since the Prime Minister had made his remarks, there had been an increase in cell raids and inspections, including the undressing and beating of inmates, decreased access to food and television facilities and new prohibitions related to cultural and religious practices.

V. Situation of human rights in the occupied Syrian Golan

57. As mentioned above, the situation in the Syrian Arab Republic at the time of the Special Committee's mission to the region prevented a visit to that country. The

members therefore had to engage with witnesses and victims in the occupied Syrian Golan by way of teleconferences. Nonetheless, several concerns regarding Israel's compliance with its international legal obligations in relation to its occupation of the Syrian Golan were raised. Much of the testimony received is consistent with information obtained by the Committee in previous years, in particular that involving the situation of Syrians detained by Israel, restrictions on freedom of movement, the use of landmines and access to water for agricultural use.

58. Witnesses expressed frustration at the high prices they were forced to pay for water, especially since the water was from Syrian territory. They noted that Israeli settlers paid significantly lower rates for water and had access to significantly more water. It was emphasized that Israel's control of the water supply resulted in diminished yields for Syrian farmers. Witnesses informed the members that during an unusually dry season in 2010, access to water had been entirely cut off for Syrian farmers. Yet, Israeli settlers had been provided with water throughout the season. The members were further informed that Syrian farmers had reaped only 10 per cent of maximum agricultural production over the past year.

59. The Special Committee was informed that Israel continued to inhibit Syrian families from visiting with their relatives outside the occupied Golan. It was explained that separated families could only seek to maintain relationships through telephone conversations and the Internet, or otherwise through chain link and barbed wire fences. The Committee was briefed regarding a 2-kilometre-long, 8-metre-high wall that Israel is building to cordon off the occupied Syrian Golan and was further informed that that wall would cut off the "valley of screams", where separated Syrians in the occupied Golan came to communicate with family members outside the occupied territory. It was asserted that another purpose of the wall was to consolidate Israel's annexation of Syrian territory. Witnesses also explained that the border area around the occupied Golan remained heavily embedded with landmines.

60. Several interlocutors in the occupied Syrian Golan referred to the 2011 commemoration of Nakba Day (15 May) and Naksa Day (5 June), during which Israeli security forces had used live fire against Syrian protestors. Witnesses informed the members that on Naksa Day between 20 and 24 Syrians had been killed by Israeli forces, including some as a result of Israeli landmines, while approximately 340 Syrians had been wounded. The Special Committee heard complaints regarding the conditions of Syrian detainees held by Israel. Main concerns consisted of limited family visits, insulting treatment during family visits and denial of educational opportunities for prisoners. Witnesses also stated that dozens of Syrians remained in detention without having had any formal charges brought against them.

VI. Conclusions and recommendations

61. The Special Committee benefited greatly from being able to see the situation in the Gaza Strip first-hand and, in particular, from the opportunity to engage directly with victims, witnesses and organizations in Gaza. It is regrettable that Israel continues to refuse to engage in a dialogue with the Committee, which not only prevents the members from seeing the situation in the West Bank, including East Jerusalem, and the occupied Syrian Golan for themselves, but also deprives many victims and witnesses of the opportunity to share their stories and experiences

with the Committee. Ultimately, it is the General Assembly and the international community at large that are denied the chance to have a clearer picture of the human impact of Israel's policies and practices in these territories.

62. **The Special Committee calls upon the Government of Israel to cooperate with it in the implementation of its mandate, in accordance with its obligations as a Member State and, in particular, in light of the General Assembly's demand in resolution 65/102.**

63. **The Special Committee urges the Security Council and the General Assembly to adopt measures to address Israel's long track record of non-cooperation with the United Nations, especially resolutions of the Council and the Assembly, and mechanisms established by the Assembly and its subsidiary bodies. Such measures may include the imposition of sanctions aimed at persuading Israel to fulfil its obligations as a Member State.**

64. The Special Committee finds that the situation of children in the occupied Palestinian territory is alarming. This is especially attributable to Israel's siege of Gaza. Yet, children in the West Bank, including East Jerusalem, are also suffering under Israel's policies and practices.

65. **The Special Committee calls upon Israel to take immediate actions to reverse indicators of poor children's health in Gaza. Such actions should include regularly facilitating the importation of sufficient foodstuffs and medical supplies, as well as facilitating travel outside Gaza for children requiring medical treatment.**

66. **The Special Committee calls upon Israel to desist from its policies and practices that are denying thousands of children in Gaza their right to education. As a matter of urgency, Israel should immediately approve the construction of the 100 new schools requested in the UNRWA Gaza recovery plan and ensure the importation of school supplies sufficient to meet the needs of all school-age children in Gaza.**

67. **The Special Committee encourages Israel to give serious consideration to the potential consequences for the children of Gaza of being raised in an environment characterized by deprivation and lack of opportunities. The Committee also encourages Israel to give consideration to the potential results of having a role, consistent with its international legal obligations, in ensuring that the children of Gaza are empowered and able to live productive and meaningful lives. In this regard, the Committee strongly urges Israel to place utmost priority on fulfilling its international legal obligations relevant to children in Gaza.**

68. **The Special Committee calls upon Israel to bring its policies and practices concerning the arrest, detention and sentencing of minors into line with international laws and standards relevant to children. In this connection, all allegations of mistreatment of children in detention should be thoroughly and transparently investigated, perpetrators of violations against children should be prosecuted to the fullest extent of the law and any officials involved in security operations or judicial processes concerning children should be comprehensively trained in applicable international laws and standards.**

69. **The Special Committee calls upon Israel to ensure that Palestinian children in the West Bank, including East Jerusalem, can fully enjoy their right to education. This requires that schools be built in East Jerusalem to accommodate the 1,000 classrooms that are urgently needed. Furthermore, extensive restrictions on freedom of movement in place throughout the West Bank, in particular owing to the wall, should be removed.**

70. The Special Committee remains troubled that Israel continues to detain thousands of Palestinians, many for extended periods of time and in conditions and subject to treatment that appears to violate international law. The members are of the view that the situation of Palestinian prisoners detained by Israel merits closer attention from the international community, including through the General Assembly and its subsidiary bodies.

71. **The Special Committee calls upon Israel to bring its policies and practices concerning the arrest, detention and sentencing of Palestinians into line with international laws and standards. This should include meeting its obligations in relation to allowing family visits, providing proper medical care, facilitating access to education, ensuring that due process and fair trial rights are respected, and preventing torture or cruel, inhuman or degrading treatment or punishment.**

72. **The Special Committee urges the General Assembly to take action aimed at compelling Israel to meet its international obligations concerning Palestinian detainees. Such action should address the concerns raised in this and previous reports of the Committee, and may include the establishment of an independent, international mechanism comprised of experts in relevant international laws and standards to monitor, report and carry out advocacy relating specifically to the situation of Palestinians detained by Israel.**

73. Having familiarized itself directly with the situation in Gaza, the Special Committee is convinced that Israel's oppressive policies constitute a form of collective punishment of civilians. Israel's regime of closures and the practices by which this regime is enforced are having a disproportionate impact on civilians. It is in this light that Israel's siege must be adjudged to be in violation of international humanitarian law and to result in the violation of a wide range of Israel's obligations under international human rights law.

74. **The Special Committee reiterates its call for Israel to lift its illegal siege of Gaza, with due regard to legitimate security concerns. Lifting the siege should include immediate actions to ensure a regular, sufficient supply of food, medicines and other basic supplies and services, in line with Security Council resolution 1860 (2009). It should also extend to increasing the capacities of Israeli crossing points for cargo and commercial goods in order to ensure that the UNRWA Gaza recovery plan can be fully implemented.**

75. **The Special Committee calls upon Israel to clarify the restrictions it intends to enforce on freedom of movement within Gaza and to ensure that its security forces and the population of Gaza are fully informed regarding the details of such restrictions. Israeli security forces should not enforce such restrictions through the use of live weapons fire. Furthermore, such restrictions should respect Gaza's critical agricultural and fishing industries. In relation to maritime territory, the Committee calls upon Israel to bring its policy into line**

with what it agreed as part of the Oslo Accords, namely a 20 nautical mile limit for Gaza's fishermen.

76. With regard to the West Bank, the Special Committee was dismayed that many of Israel's policies and practices highlighted in its previous reports remain of urgent concern. Confiscation of Palestinian land, demolition of Palestinian homes, displacement of Palestinian civilians and expansion of Israeli settlements continue to take place on a widespread and systematic basis. At present, the situations in East Jerusalem, the Jordan Valley and with respect to the Bedouin in the West Bank are of utmost concern.

77. **The Special Committee calls upon Israel to desist from confiscating any further land in the West Bank, including East Jerusalem, and to develop and implement, in consultation with relevant Palestinian officials, a plan to return land that has been confiscated to its rightful owners. The Committee also calls upon Israel to cease the demolition of Palestinian homes and to provide appropriate reparation to Palestinians who have already had their homes demolished.**

78. **The Special Committee recalls the many United Nations resolutions and reports that have made clear that Israel's policies and practices related to transferring its population to the occupied Palestinian territory are illegal. In doing so, the Committee stresses the need for Israel to desist from the expansion of Israeli settlements in the occupied Palestinian territory and to dismantle all settlements previously built.**

79. **The Special Committee further recalls that East Jerusalem forms an integral part of the occupied Palestinian territory and calls upon Israel to end its policies and practices that oppress the Palestinian population of East Jerusalem. As an initial step, Israel should adopt positive measures to end institutionalized discrimination against Palestinians in East Jerusalem, including by ensuring access to basic services and removing obstacles — bureaucratic or otherwise — to Palestinian efforts to build homes, schools and other infrastructure.**

80. **The Special Committee calls upon Israel to take immediate, effective measures to end violence against Palestinians by Israeli settlers. This must include informing Israeli security forces in the West Bank of their responsibilities to protect Palestinian civilians and their properties from any form of violence by Israeli settlers. Such measures should also extend to investigating any incidents of violence and criminally prosecuting perpetrators.**

81. The Special Committee regrets that its discussions with victims, witnesses and organizations concerned with the situation in the occupied Syrian Golan indicated that no progress has been made by Israel with respect to meeting its obligations under human rights and international humanitarian law. On the contrary, in addition to concerns that have been highlighted in previous years, specific incidents over the past year and the construction of a wall to cordon off Syrian territory in the occupied Golan have escalated the level of concern regarding Israeli policies and practices there.

82. **The Special Committee calls upon Israel to ensure access to water for Syrians in the occupied Golan, including for agricultural purposes, on terms at least equal to those made available to Israeli settlers.**

83. The Special Committee reiterates its call upon Israel to facilitate visits for Syrians in the occupied Golan with family members in other parts of Syrian territory.

84. The Special Committee calls upon Israel to carry out a full, transparent investigation into the events of Nakba Day and Naksa Day 2011, with a view to explaining the many deaths and injuries of unarmed Syrian civilians.

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General Assembly
Sixty-sixth session
Agenda item 116
Admission of new Members to the United Nations

Security Council
Sixty-sixth year

Application of Palestine for admission to membership in the United Nations

Note by the Secretary-General

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the attached application of Palestine for admission to membership in the United Nations, contained in a letter received on 23 September 2011 from its President (see annex I). He also has the honour to circulate a further letter, dated 23 September 2011, received from him at the same time (see annex II).

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Annex I

Letter received on 23 September 2011 from the President of Palestine to the Secretary-General

Application of the State of Palestine for admission to membership in the United Nations

I have the profound honour, on behalf of the Palestinian people, to submit this application of the State of Palestine for admission to membership in the United Nations.

This application for membership is being submitted based on the Palestinian people's natural, legal and historic rights and based on United Nations General Assembly resolution 181 (II) of 29 November 1947 as well as the Declaration of Independence of the State of Palestine of 15 November 1988 and the acknowledgement by the General Assembly of this Declaration in resolution 43/177 of 15 December 1988.

In this connection, the State of Palestine affirms its commitment to the achievement of a just, lasting and comprehensive resolution of the Israeli-Palestinian conflict based on the vision of two-States living side by side in peace and security, as endorsed by the United Nations Security Council and General Assembly and the international community as a whole and based on international law and all relevant United Nations resolutions.

For the purpose of this application for admission, a declaration made pursuant to rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly is appended to this letter (see enclosure).

I should be grateful if you would transmit this letter of application and the declaration to the Presidents of the Security Council and the General Assembly as soon as possible.

(*Signed*) Mahmoud **Abbas**
President of the State of Palestine
Chairman of the Executive Committee of the
Palestine Liberation Organization

Enclosure

Declaration

In connection with the application of the State of Palestine for admission to membership in the United Nations, I have the honour, in my capacity as the President of the State of Palestine and as the Chairman of the Executive Committee of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, to solemnly declare that the State of Palestine is a peace-loving nation and that it accepts the obligations contained in the Charter of the United Nations and solemnly undertakes to fulfill them.

(*Signed*) Mahmoud **Abbas**
President of the State of Palestine
Chairman of the Executive Committee of the
Palestine Liberation Organization

Annex II

Letter dated 23 September 2011 from the President of Palestine to the Secretary-General

After decades of displacement, dispossession and the foreign military occupation of my people and with the successful culmination of our State-building program, which has been endorsed by the international community, including the Quartet of the Middle East Peace Process, it is with great pride and honour that I have submitted to you an application for the admission of the State of Palestine to full membership in the United Nations.

On 15 November 1988, the Palestine National Council (PNC) declared the Statehood of Palestine in exercise of the Palestinian people's inalienable right to self-determination. The Declaration of Independence of the State of Palestine was acknowledged by the United Nations General Assembly in resolution 43/177 of 15 December 1988. The right of the Palestinian people to self-determination and independence and the vision of a two-State solution to the Israeli-Palestinian conflict have been firmly established by General Assembly in numerous resolutions, including, inter alia, resolutions 181 (II) (1947), 3236 (XXIX) (1974), 2649 (XXV) (1970), 2672 (XXV) (1970), 65/16 (2010) and 65/202 (2010) as well as by United Nations Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and by the International Court of Justice Advisory Opinion of 9 July 2004 (on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory). Furthermore, the vast majority of the international community has stood in support of our inalienable rights as a people, including to statehood, by according bilateral recognition to the State of Palestine on the basis of the 4 June 1967 borders, with East Jerusalem as its capital, and the number of such recognitions continues to rise with each passing day.

Palestine's application for membership is made consistent with the rights of the Palestine refugees in accordance with international law and the relevant United Nations resolutions, including General Assembly resolution 194 (III) (1948), and with the status of the Palestine Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people.

The Palestinian leadership reaffirms the historic commitment of the Palestine Liberation Organization of 9 September 1993. Further, the Palestinian leadership stands committed to resume negotiations on all final status issues — Jerusalem, the Palestine refugees, settlements, borders, security and water — on the basis of the internationally endorsed terms of reference, including the relevant United Nations resolutions, the Madrid principles, including the principle of land for peace, the Arab Peace Initiative and the Quartet Roadmap, which specifically requires a freeze of all Israeli settlement activities.

At this juncture, we appeal to the United Nations to recall the instructions contained in General Assembly resolution 181 (II) (1947) and that "sympathetic consideration" be given to application of the State of Palestine for admission to the United Nations.

Accordingly, I have had the honour to present to Your Excellency the application of the State of Palestine to be a full member of the United Nations as well as a declaration made pursuant to rule 58 of the provisional rules of procedure

of the Security Council and rule 134 of the rules of procedure of the General Assembly. I respectfully request that this letter be conveyed to the Security Council and the General Assembly without delay.

(*Signed*) Mahmoud **Abbas**
President of the State of Palestine
Chairman of the Executive Committee of the
Palestine Liberation Organization

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Agenda item 69 (b)*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Combating defamation of religions

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 65/224 and focuses on the implementation of the resolution, including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement, intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon.

* A/66/251.

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I. Introduction

1. The General Assembly, in its resolution 65/224, was

> deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and irregular immigration, thereby legitimizing discrimination against them and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal, and, in this context, emphasizing the importance of article 27 of the International Covenant on Civil and Political Rights.

2. It noted

> with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, including cases motivated by Islamophobia, Judeophobia and Christianophobia, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities, and that threaten to impede their full enjoyment of human rights and fundamental freedoms.

3. It also noted with concern that "vilification of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights", and was alarmed "at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions".

4. The General Assembly called upon all States "to adopt necessary measures, including by adopting legislation, according to their international obligations, to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". It also invited all States "to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", and urged all States to provide "within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from vilification of religions, and incitement to religious hatred in general".

5. In addition, the General Assembly in the same resolution, which was adopted by a vote of 79 to 67, with 40 abstentions, also urged all States "to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance".

6. In paragraph 28 of the resolution, the General Assembly requested the Secretary-General to submit a report to it at its sixty-sixth session on the implementation of the resolution, "including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement,

intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon". The present report is submitted pursuant to that request.

7. Notes verbales were sent to Member States with an invitation to submit contributions by 30 May 2011. The present report contains information received from States on the implementation of the resolution as well as relevant information on measures and activities of the United Nations system. Information was also received from observers, national human rights institutions and non-governmental organizations and is available for consultation at the Office of the United Nations High Commissioner for Human Rights.[1] As requested in the resolution, the correlation between defamation of religions and the intersection of religion and race is also addressed below.

8. Attention is also drawn to resolution 16/18 adopted by the Human Rights Council on 24 March 2011, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief", by consensus. In that resolution the Council considered intolerance, discrimination and violence on the basis of religion or belief in a wider framework of the open public debate of ideas as well as intercultural and interfaith dialogue at the local, national and international levels and called upon Member States to address the phenomena through a number of actions and measures.

9. In the resolution the Human Rights Council proposed measures to counter intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief, including awareness-raising; promoting education; encouraging intercultural and interfaith dialogue; drawing up and implementing policies; taking administrative action aimed at combating intolerance and discrimination; and taking legislative measures targeted at deterring and punishing discriminatory and violent acts against individuals and property on the basis of religion or belief. In paragraph 9 of resolution 16/18 the Council also called for strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and decided to convene a panel discussion on this issue at its seventeenth session. A panel met during the seventeenth session of the Human Rights Council, as reported below (see sect. IV).

II. Information received from Member States

Afghanistan

[Original: English]

10. Afghanistan reported that article 2 of the Constitution of the Republic of Afghanistan reiterates that "the sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals". In addition, it noted that article 347 of the Afghan Penal Code provides for a sentence of imprisonment

[1] The original texts of the contributions are available for consultation in the files of the Secretariat.

and/or cash fines where persons who forcibly stop the conduct of religious rituals, and persons who destroy or damage permitted places of worship where religious rituals are conducted, or who destroy or damage any sign or symbol of any religion.

Azerbaijan

[Original: English]

11. Azerbaijan noted that as a sponsor of the text adopted as General Assembly resolution 65/224, it was very committed to its provisions, paying great attention to religious tolerance, interreligious dialogue and the promotion of best examples in this field. In 2010, it hosted in the capital, Baku, the World Summit of Religious Leaders.

12. Azerbaijan recalled the Baku Process for the promotion of intercultural dialogue, noting that the Government of Azerbaijan in cooperation with the Council of Europe, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Islamic, Educational, Scientific and Cultural Organization (ISESCO), the United Nations Alliance of Civilizations and the Heydar Aliyev Foundation had created a constructive network of international organizations in order to foster a dialogue among cultures. Most recently, in the framework of the Baku Process, the World Forum on Intercultural Dialogue had taken place in Baku from 7 to 9 April 2011. Over 400 diverse participants from around the world attended the Forum (further information is available at www.bakuforum-icd.az).

13. On 4 February 2011, the State Committee for Work with Religious Organizations in cooperation with the Ministry of Culture and Tourism organized a round table — interconfessional harmony in building civil society: dialogue and peaceful coexistence. The State Committee also periodically organizes seminars on religious and cultural diversity, including interreligious dialogue for the awareness-raising of the population in various regions, schools and prisons in Azerbaijan. A journal of State and Religion and a newspaper *Society and Religion* are also regularly published for this purpose. An intercultural dialogue on European Union-Azerbaijan relations was held at the European Parliament on 17 March 2011. Participants included members of the European Parliament, media, and public officials, as well as religious officials from different faiths and confessions.

14. In accordance with amendments to the Law on Freedom of Religious Faith, promotion of a religious faith for the purpose of racial, national, religious or social hostility and animosity is prohibited. It noted that the Penal Code has special provisions concerning laws on advertising and mass media, acts of genocide, persecution, defamation, "prevention from performing religious rites", and "non-ethic advertising".

Brazil

[Original: English]

15. Brazil reported that its Federal Constitution guarantees freedom of expression in many of its articles, including: article 5, paragraph IV (freedom of expression of thought); article 5, paragraph VI (freedom of religion and belief); article 5, paragraph VIII (freedom of expression and political philosophy). However, the right to freedom of expression is not absolute and constraints on its exercise are set out in the constitutional texts.

16. The guarantee of religious freedom is covered in article 5, paragraph VI of the Constitution and is contemplated by other public policy documents such as the third National Programme on Human Rights, which sets parameters on human rights that must be observed by many local government areas. It is recommended that federal States establish bodies to promote debate and coexistence between scholars and adherents of different religions and government agencies and civil society are also expected to undertake campaigns to promote respect for religious diversity to spread the culture of peace and respect for different beliefs.

17. Law No 7.716/1989, known as Lei Caó, defines discrimination against persons or groups by means of race, colour, ethnicity, religion, origin or national provenance as a crime. Article 208 of the Brazilian Criminal Code also devotes special attention to protection of religious expressions and manifestations. It provides that for mocking someone publicly for reasons of belief or religious function; preventing or disrupting the ceremony or practice of religious worship; vilifying publicly an act or object of worship the penalty is detention from one month to one year or fine. There is also a paragraph which provides that "If there is use of violence, the penalty is increased by one third, without prejudice to the corresponding violence."

18. Brazil provided information about the correlation between defamation of religions and the intersection of religion and race noting an emblematic decision in Brazilian jurisprudence on the correlation between religion and race. It stated that the 2003 Supreme Court judgment in the *Ellwanger case* ruled on the apparent conflict between the exercise of freedom of expression and the prohibition of racist manifestations. The country's highest court held that article 5, paragraph XLII, of the Federal Constitution covered discrimination against a person for religious reasons and was not limited to race. The Court concluded that this constitutional provision should be interpreted broadly, and not solely in reference to African descent, which represents a milestone in human rights jurisprudence in Brazil.

19. Brazil noted that religions per se are not subject to specific protection as the Brazilian Government is secular. Thus, in order to promote a culture of tolerance, the Human Rights Secretariat of the Presidency of the Republic acts as a catalyst for public policies to combat religious discrimination, supporting the holding of public events and seminars, in partnership with government agencies, civil society and religious segments to promote the culture of peace and diversity which characterizes Brazilian society.

20. Brazil faces challenges concerning interreligious dialogue and the promotion of tolerance and indicated that cases of religious intolerance have been reported against religious communities of African origin, often related to the legacy of slavery and racism. The Government is in the process of mapping those communities which follow religions of African origin throughout Brazil, as well as efforts initiated to ensure the implementation of Law 10.639 of 2003, which provides for the inclusion of African history and culture and the African-Brazilian people in the school curriculum. On 27 December 2007, Law 11.635 was signed, establishing the date of 21 January as the National Day against Religious Intolerance.

Colombia

[Original: Spanish]

21. Colombia reported that article 13 of the Constitution provides for non-discrimination on the grounds of gender, race, national or family origin, language, religion, political opinion and philosophy and that the State will provide constitutional implementation for those rights to be realized. Article 19 guarantees freedom of religion on an individual and collective basis. It also provides that churches and religions are equal before the law. The State Law (Ley Estatutaria) 133 of 1994 implemented those constitutional principles through the recognition of the legal personalities of religions and faiths.

22. Colombia stated that there were over 3,000 religious entities in the country and that in August 2009, a Consultative Interreligious Committee on affairs related to religion, conscience and worship was created, whose main role is to study and recommend solutions on matters referred to it for advice by the Ministry of the Interior.

23. Colombia reported that the relevant government entity, the Ministry of the Interior and Justice is comprised of three organs: Directorate of Human Rights; Directorate of Indigenous, Minority and Roma Affairs, and the Directorate of the Black Community, Afro-Colombian, Raizal and Palenqueras Affairs. The Government added that it is working on a legal initiative to protect the cultural identity of Afro-Colombian, Raizal and Palenquera communities.

Ecuador

[Original: Spanish]

24. Ecuador stated that article 1 of its Constitution provided that Ecuador is a "constitutional State of rights and justice, social, democratic, sovereign, independent, unitary, intercultural, plurinational and secular", and that its main public policies are aimed at means and a legislative framework allowing freedom of expression and opinion and freedom of culture and religion. It noted that the Constitution as well as the domestic law on religion (Ley de Cultos) provided that political activism cannot be exercised in public religious meetings and vilification of other religions may lead to the suspension of the religious entity in question.

25. A system of academic meetings to channel the process of dialogue of the historical relations between and among religious entities and the State would be discussed. It noted that it was planning an early warning system to detect possible violations to freedoms by cults coordinated by State agencies, the Office of the Prosecutor, representatives of religious entities, and the Ministry of Justice, Human Rights and Culture.

26. Ecuador is also working on an outreach campaign to disseminate information about the right to freedom of cults and the State is planning to conduct training and capacity-building of public officials to foster a culture of tolerance and peace, in order to eradicate any possible situation of intolerance and defamation.

Grenada

[Original: English]

27. Grenada reported that article 9 of the Constitution of Grenada guarantees freedom of thought and of religion; freedom to change religion or belief; and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate religion or belief in worship, teaching, practice and observance. The Constitution further safeguards against the promulgation of laws contrary to the spirit of article 9; however, it identifies instances in which reasonable action may be required: in the interests of defence, public safety, public order, public morality or public health; or, for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion.

28. Grenada reported that it adheres to those democratic principles which create the order requisite for its citizens to lead full and participatory lives and firmly believes in the object and purpose of the Universal Declaration of Human Rights, and agrees that vilification of religions is unacceptable and jeopardizes world peace.

29. Grenada observes that discrimination on the grounds of religion or belief, although not the only contributor to the upsurge in incitement, intolerance and hatred in many parts of the world, is a significant determinant and therefore it is against all discrimination against all religions and strongly condemns such when it is endorsed by a State. Expressions in the media and wider society need to be condemned for their role in institutionalizing hatred and intolerance.

30. Grenada believes that education plays an invaluable role in eradicating discrimination on the grounds of religion or belief and reported that the inclusion of conflict resolution and anger management programmes in schools, as well as the promotion of tolerance at all educational levels are measures taken by the Government of Grenada to ensure that its society remains tolerant and inclusive.

Guatemala

[Original: Spanish]

31. Guatemala provided information that articles 36 and 37 of the Political Constitution of Guatemala provides for freedom of religious expression to all religions and religious entities and the free exercise of the right to freedom of religion and belief subject only to public order and any impositions on the dignity of the adherents of other beliefs. Article 57 recognizes the right of individuals and communities to freely participate in cultural life. Churches, cults and religious entities have legal personality in Guatemala.

32. Discrimination on several grounds including gender, race, and religion is a crime pursuant to the amendment to the criminal code (Decreto Legislativo 57-2002). Discrimination can also be an aggravating factor in a crime, increasing the penalty by one third in the following cases: (a) where the crime is committed on the grounds of language, cult or ethnicity; (b) where public incitement or any other public dissemination is involved; (c) in the exercise by a public official of his public duties; and (d) in the case of a private person operating in an official capacity.

33. Guatemala reported that a project (Ley de Lugares Sagrados) has been initiated to guarantee the spiritual rights of indigenous peoples through the preservation and

conservation of sacred places. The Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala is drawing up a communications strategy to eliminate discriminatory practices; establishing a monitoring system for media, and fostering dialogue among cultures to reduce stereotypes and discrimination on religious and ethnic grounds. There is a long-term cultural development plan under way to sensitize the population about indigenous spirituality and culture as well as different cultural expressions through awareness-raising campaigns, workshops for non-governmental organizations and government, and primary school education. Guatemala noted that it was challenged by the fact that public policies had yet to fully permeate society.

Iraq

[Original: Arabic]

34. Iraq reports that the rights of minorities are protected in article 2 of the Iraqi Constitution, which recognizes the Islamic identity of most Iraqis and religious rights, including the right to freedom of belief and to freedom of worship, of other faith groups in the country. Article 14 states that all Iraqis are equal before the law without any discrimination based on creed, opinion or any other factor and article 43 recognizes the right of all faith groups to perform religious rites and to manage religious endowments and their own religious institutions. The State is required to guarantee freedom of worship and protect places of worship.

35. The Criminal Code prescribes a term of up to three years' imprisonment or a fine for publicly attacking a follower of a faith or vilifying a religious ritual. It also prohibits, inter alia, the deliberate disruption of a religious service or gathering, the distortion or ridiculing of acts, precepts, teachings, deities, rites, symbols or a person revered by a faith group. Sacred sites are protected and new land is being provided for the construction of houses of worship and cultural centres for minorities.

36. A conference on coexistence and tolerance was held in Iraq and widely attended. The aim was to send a message about the importance of peace and harmony among all faiths in Iraq. Efforts to implement the recommendations arising out of the conference are being overseen by the Cabinet, the Parliament and all relevant ministries.

37. Iraq reported that workshops are held to train teachers from schools where there are students from minorities about how to disseminate a culture of tolerance and that school curricula have been modified to include material on respect for religions and minorities in the subjects of religious education and history. The media and publications are used to raise awareness of the importance of tolerance.

Kyrgyzstan

[Original: Russian]

38. Kyrgyzstan reported that structural changes have been implemented in the system of religious entities in recent years in the Kyrgyz Republic. A Muslim clergy was established in the country, including regional branches.

39. The Law on Freedom of Religion and Religious Organizations, adopted on 16 December 1991, was the first legislative measure stipulating the right to freedom

of religion and a simple procedure to establish a religious entity was set. The law was amended several times.

40. In March 1996, in accordance with the Presidential Decree, the State Commission on Religious Affairs was established. In November 1996 several temporary provisions were put in place: the Temporary Provision for Registration of Religious Organizations, the Temporary Provision for Registration of Missions of Foreign Religious Organizations and of Foreign Citizens in the Kyrgyz Republic for the Purpose of Carrying on Religious Activity and the Temporary Provision on Religious Education.

41. Kyrgyzstan noted the importance of dialogue among different religious communities and tolerance and that it is essential to teach tolerance in schools, colleges and universities. For this purpose, the educational curriculum should be changed.

Mauritius

[Original: English]

42. The Republic of Mauritius reported that article 11 of the Constitution, entitled "Protection of freedom of conscience", provides that "except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section, that freedom, either alone or in community with others both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance". Article 16 of the Constitution of Mauritius makes provision for protection from discrimination.

43. Article 3 of the Constitution specifies that there have existed and shall continue to exist in Mauritius without discrimination a number of human rights and fundamental freedoms, among which is freedom of conscience.

44. Mauritius stated that the Criminal Code equally makes provisions for the protection of freedom of conscience and identified a number of relevant sections, inter alia: interference with freedom of conscience (section 183); disturbing religious ceremony (section 184); outrage on religious worship (section 185); assaulting and outraging a minister of religion (section 186); and stirring up racial hatred (section 282).

Morocco

[Original: Arabic]

45. Morocco reported that in keeping with the Constitution, it takes steps to promote human rights and eliminate discrimination, religious hatred and intolerance. For example, article 6 of the Constitution recognizes freedom of worship and requires the State to guarantee that freedom. The Criminal Code makes it an offence to use force or threats to compel or prevent a person or group from performing an act of worship or attending a religious service. It is also illegal to disrupt a religious ceremony (art. 221) or to deliberately damage or destroy a house of worship (art. 223). The Criminal Code defines any form of discrimination between natural persons (art. 431-1) and any discrimination based on religious identity (art. 431-1 bis) as a punishable offence.

46. The Political Parties Act No. 36.04 prohibits the establishment of political parties on the basis of religious, linguistic, ethnic or regional identity or any form of discrimination or violation of human rights. The Nationality Act does not impose any conditions concerning religious identity on those applying for Moroccan citizenship.

47. Morocco has established programmes to promote tolerance and coexistence and to curb religious intolerance. Literacy programmes are used to expose students to other cultures and to spread a culture of tolerance. Intensive awareness and outreach campaigns are undertaken. The State has established a supreme council of Islamic scholars, in which women participate, with branches throughout the regions, to provide spiritual guidance and organize religious life in such a way as to promote a tolerant and moderate form of the Islamic faith.

48. Morocco has also hosted numerous events on interfaith tolerance and dialogue, including a meeting of a Jewish standing committee that was formed following the First World Congress of Imams and Rabbis for Peace and that hosts an annual festival of the spiritual music of different faiths.

Oman

[Original: Arabic]

49. The Government of Oman reported that ensuring respect for religions, cultures, freedom of belief and religious diversity is a key priority for the Government. This stems from a belief in the role of religions in the maintenance of security and peace, in the importance of coexistence, and in the need to spread a culture of tolerance. The frame of reference is provided by the general principles expounded by the religion of Islam.

50. The efforts of the Ministry of Endowments and Religious Affairs to promote respect for religions and to curb vilification of religions and acts of hatred and intolerance are guided by the regulations and laws in effect in Oman, primarily through article 10 of the Basic Law issued in Royal Decree No. 96/101 of 6 November 1996. In article 28 the freedom to perform religious rites in accordance with established customs is guaranteed. In addition to legislation ensuring respect for religions, combating vilification of religions and curbing acts of hatred and intolerance, measures have been taken in the context of education, information and international initiatives.

51. The Ministry of Endowments and Religious Affairs has issued a specific circular on "Tolerance" and will be issuing a new circular, entitled "Mutual understanding", which seeks to develop understanding among peoples and civilizations through in-depth articles and comprehensive strategic research initiatives. The Institute of Shariah Sciences, run by the Ministry, provides religious officials in Oman with a grounding in the precepts of tolerance and moderation, and its curricula contain material which highlights the importance of respect for all religions and cultures and the need to strengthen ties between people. The Institute offers a full course on human rights and offers instruction in languages other than Arabic. The Ministry also runs an annual exchange visits programme, through which students, officials and visitors from various parts of the world are received in Oman, in order to strengthen communication and dialogue among peoples and religions. It

organizes international seminars and conferences in Oman and participates actively in the same abroad.

52. The Government uses the media to raise awareness about the importance of coexistence and mutual respect and to promote harmony and cohesion among all followers of different faiths and support is provided for information projects designed to foster dialogue and understanding among civilizations. Film documentaries, media programmes and educational materials are produced to raise awareness and promote the values of respect, coexistence and religious tolerance.

Pakistan

[Original: English]

53. Pakistan is committed to the implementation of General Assembly resolution 65/224, stating that there is a need to create and maintain the fine balance between freedom of expression, respect for religions and hate speech and submitted that it is well established by existing jurisprudence that freedom of expression is not an absolute right and must be exercised with responsibility as stated in articles 19 and 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

54. Pakistan viewed with great concern the spiralling trend of Islamophobia and defamation, incitement, prejudice and discrimination against Islam and Muslims in many societies. It noted that it has always called for dialogue among cultures, civilizations and faiths to promote harmony and stability among and within societies and tolerance for cultural, racial, religious and linguistic diversities, adding that strengthening of dialogue, understanding and reconciliation between religions and civilizations should be the top priority of the international community in the context of world peace and development.

55. Pakistan supported international efforts and has itself taken a number of initiatives to promote that objective. It has actively participated in meetings of the United Nations Alliance of Civilizations and the Special Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, held in Manila in March 2010, and co-hosted the sixth Asia-Europe Meeting Interfaith Dialogue in Madrid in April 2010. Pakistan noted that it was a sponsor with the Philippines of the text adopted as General Assembly resolution 65/138, on "Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace", adopted by consensus. In that resolution, the General Assembly requested UNESCO to further solicit views of Member States on the possibility of proclaiming a "United Nations decade for interreligious and intercultural dialogue and cooperation for peace".

56. Pakistan also supports strengthening and diversifying the ways and means of addressing the issues of defamation and discrimination based on religion and belief. At the national level, Pakistan reported that it had taken a number of steps to promote interfaith harmony and to combat vilification of religions. The Constitution of Pakistan, under articles 20, 21, 22, 26 and 27, guarantees equal rights and status to all citizens, irrespective of religion, race, caste, colour or creed. Sections 295, 295-A, 296, 297 and 298 of the Pakistan Penal Code are intended to curb vilification of religions.

57. In addition, 124 National Peace Committees for Interfaith Harmony have been constituted at the district level throughout the country to create better understanding between various religious communities. Under the National Cultural Awards scheme set exclusively for minorities, awards, a certificate and cash prize of Rs. 50,000 are granted each year in various fields and the Government recently introduced an additional award in the realm of Interfaith Harmony. The Government has declared 11 August as "Minorities Day" to highlight the role and contribution of minorities. To mainstream minorities and promote interfaith harmony, a number of religious festivals of minorities are celebrated officially in Pakistan.

Qatar

[Original: Arabic]

58. Qatar reports that its society is governed by moral, social, religious and cultural values that promote equality and prohibit discrimination, racism and religious intolerance. These values are inspired by the Islamic faith and reflected in the Constitution and relevant legislation, which, in turn, guarantee freedom of worship and belief. The State is striving to become a model of peaceful coexistence between different faiths and is committed to promoting and strengthening dialogue between different faiths and ensuring respect for religious freedoms.

59. Articles 18 and 50 of the Constitution state that Qatari society is founded, inter alia, on justice, freedom, equality and equal rights, without any discrimination between citizens on grounds of sex, origin, language or religion. The Constitution guarantees freedom of worship for all, and Qatar has ratified the key treaties on the elimination of discrimination.

60. The Qatari Criminal Code (art. 256) punishes religious offences and prescribes a term of up to seven years' imprisonment for denigrating or insulting the deity by any means; making insulting, disparaging or blasphemous remarks about the Koran; making insulting remarks about Islam or an Islamic ritual; defaming any of the revealed religions; insulting the prophet of a religion; or desecrating a place of worship of a revealed religion or any object found in that place. The State signed an agreement in 2005 on the construction of six churches in Qatar; the first Catholic church was inaugurated in March 2008.

61. Qatar hosts various conferences on religious tolerance and organizes the annual US-Muslim World Forum and the Doha Forum for Interfaith Dialogue. The Doha International Center for Interfaith Dialogue seeks to promote dialogue and understanding between faith communities. The Qatari Committee for the Alliance of Civilizations was set up to strengthen the role of the State in conflict resolution, to promote tolerance among peoples and the eradication of extremism and intolerance.

62. Qatar indicated many instances of incitement to hatred across the world, involving acts such as attacks against sacred books, the desecration of religious objects, places of worship and religious rites, and the portrayal of religions and religious laws in a misleading light with a view to inciting others to engage in terrorism or to spreading feelings of hatred and intolerance.

Serbia

[Original: English]

63. Serbia reported that all the measures envisaged in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief are being implemented in full, in cooperation with the United Nations as well as all the churches and religious communities in the Republic of Serbia.

64. Discrimination on the ground of religion is expressly prohibited by article 21, paragraph 3, of the Constitution, which specifies that all direct or indirect discrimination based on any grounds, including, inter alia, religion, shall be prohibited and article 49 stipulates that any incitement to racial, ethnic, religious or other inequality or hatred shall be prohibited and punishable.

65. The Constitution specifically guarantees the right to freedom of expression and protection of "religious specificity" to members of national minorities (article 79), and defines the promotion of a "spirit of tolerance and intercultural dialogue" (article 81) as a specific task of the State. Article 128 of the Criminal Code has a provision prohibiting the denial or restriction of rights guaranteed by the Constitution, laws or other legislation or general acts or ratified international treaties on several grounds, including nationality or ethnicity, race or religion. Under article 131, the prevention or restriction of freedom of religion or practice of a religion shall be punished by fine or imprisonment up to one year. The same penalty shall also be imposed on whoever prevents or hinders another in performing religious services. Article 174 of the Criminal Code stipulates a penalty for "ruining the reputation for racial, religious, ethnic or other affiliation", specifying that whoever publicly ridicules an individual or group of persons on grounds of race, colour, religion, nationality, ethnic origin or other personal characteristic, shall be punished with a fine or imprisonment up to one year. National legislation provides for the respect and protection of religious places, sites, shrines and symbols and is regulated by the Law on Churches and Religious Communities.

66. Serbia added that a number of measures have been taken in the field of culture to promote understanding, appreciation of and respect for diversity arising from specificities of religious groups in Serbia. During the period that Serbia served as the Chair of the Council of Europe, the Ministry of Religion organized in Belgrade a series of European Heritage Days.

67. The Ministry of Religion in cooperation with the Ministry for Human and Minority Rights have also issued several statements condemning all forms of violence and destruction directed against places of worship and religious buildings and structures that belong to any church or religious community, and have demanded that competent authorities investigate all such cases and provide places of worship of all churches and religious communities with additional protection. With regard to the media, efficient measures aimed at fostering mutual respect, understanding and cooperation are based on key legal provisions, and special bodies which are of mixed composition monitor public broadcasters with respect to their adherence to the programme's principles. Religious ceremonies on the occasion of all important religious holidays celebrated by different churches and religious communities are broadcast by the public broadcasting service.

68. Several other initiatives are being undertaken in the fields of education, culture and information, including training courses in human and minority rights and the constitutional system for civil servants and others stakeholders.

III. United Nations Alliance of Civilizations

[Original: English]

69. The United Nations Alliance of Civilizations continues its activities aimed at improving understanding and cooperation among nations and peoples across cultures and religions and, in the process, assisting in countering the forces that fuel polarization and extremism within and among societies.

70. Members of the Alliance of Civilizations are asked to develop national plans and regional strategies for intercultural dialogue and cooperation as strategic long-term policy tools to implement concrete actions mainly in the fields of education, youth, media and migration, seeking notably to promote dialogue and understanding among peoples, cultures, religions and beliefs, and fostering a culture of peace. To date 26 national plans and 2 regional strategies (one for South-East Europe, the other for the Mediterranean area) have been presented. Both regional strategies include actions aimed at promoting a culture of tolerance based on religion and belief.

71. The Alliance of Civilizations has developed a number of tools such as an online learning community on "Education about religions and beliefs". Through its media programmes, it has organized a number of training actions for religious media and has launched a series of articles on "Religion and the Public Space" bringing together over 20 contributions from experts of different professions and regions, which were published in 5 languages and in more than 18 newspapers.

72. Over the last years, the Alliance of Civilizations has developed a platform for informed debates on sensitive issues, such as religious minorities, freedom of religion and belief, and the tensions of religiously pluralistic societies. A number of relevant initiatives were organized on this topic, namely, a seminar on "Religious tolerance, traditional conflict resolution, and Federalism", held in November 2010 in Addis Ababa; the Lisbon Forum, co-organized with the North-South Centre of the Council of Europe, which in 2010 focused on "Freedom of expression, conscience and religion"; and an international seminar entitled "Religious freedom: human rights, social inclusion and political participation: the case of Christian communities", which was held at the European Institute of Florence.

73. For the next two years, the Alliance of Civilizations plans to develop its partnerships within the United Nations system, namely with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, in order to mainstream cultural diversity and intercultural dialogue, including interreligious dialogue, as well as a culture of tolerance into human security, peace and development strategies as a way to promote human dignity worldwide.

IV. Office of the United Nations High Commissioner for Human Rights

74. A panel discussion, "Strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs" took place on 14 June 2011 during the seventeenth session of the Human Rights Council. The panel was organized pursuant to Council resolution 16/18, adopted by consensus on 24 March 2011 during the sixteenth session of the Council entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief". The panel explored ways to enhance international efforts and foster global dialogue for the promotion of a culture of tolerance and peace, based on respect for human rights and diversity of religions and beliefs and was aimed at implementation and practical actions to promote a culture of tolerance and peace at all levels around the world.

75. In her opening statement, the United Nations High Commissioner for Human Rights noted that the Human Rights Council had sent the message that through dialogue and collaboration, States could step up to their obligations and take practical decisive actions to address and eliminate incidents of intolerance, discrimination and violence based on religion or belief. She stated that over the past years, several resolutions adopted by the United Nations had noted that intolerance, including anti-Semitism, Islamophobia and Christianophobia, was on the increase. Those phobias contributed to suspicion and mistrust, often leading to incidents of unequal treatment and violence against members of religious groups. Negative stereotyping in the media or by extremist political parties, coupled with advocacy of religious hatred, continued to be an alarming trend across the globe.

76. The High Commissioner noted that, in studying and addressing those issues, the international community must be guided by the principles of freedom of thought, conscience and religion, and the right to freedom of opinion and expression, which are interdependent and mutually reinforcing. She noted that States must be vigilant and respond immediately and appropriately as it was ultimately the State which bore the primary obligation to protect victims of human rights violations and prevent occurrences of intolerance, discrimination and violence against persons based on their religion or belief.

77. As a follow-up to the expert seminar on articles 19 and 20 of the International Covenant on Civil and Political Rights, held in Geneva on 2 and 3 October 2008, and in the framework of paragraph 134 of the Outcome Document of the Durban Review Conference, the Office of the United Nations High Commissioner for Human Rights organized a series of expert workshops in four regions on the prohibition of incitement to national, racial or religious hatred. The workshops discussed legislation, jurisprudence and national policies in the different regions with a view to deepening the understanding of issues involved and ensuring compliance with the prohibition of incitement to hatred, in full respect of freedom of expression, through action at all levels.

78. The last event for the Americas region will take place in Santiago, Chile, on 12 and 13 October 2011. OHCHR will report on the outcome of the expert workshops and may consider follow-up initiatives.

79. In March 2011, the Office was informed that church members of the Dove World Outreach Center in Gainesville, Florida, burned a copy of the Koran. The incident elicited strong condemnation on the part of the United States Government and religious leaders from different faiths across the world. It also resulted in violent reactions, including the killing of United Nations staff and others in Afghanistan. Both the High Commissioner for Human Rights and the Secretary-General replied to letters from the Organization of the Islamic Conference condemning those acts, which divided peoples and societies, and reaffirming the collective interest of the international community in countering acts of intolerance. The Secretary-General also condemned the incident and said that such actions cannot be condoned by any religion. He also condemned the killing of the United Nations staff in response. In addition, the United Nations Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism sent joint communications about those incidents.

V. United Nations human rights treaty bodies

80. On 21 July 2011, during its one hundred and second session, the Human Rights Committee adopted General Comment No. 34 on freedom of opinion and expression, replacing the former General Comment No. 10, which was adopted during its nineteenth session.

81. General Comment No. 34 recognizes that "freedom of opinion and freedom of expression are indispensable conditions for the full development of the person ... they constitute the foundation stone for every free and democratic society". It further recognizes that "freedoms of opinion and expression form a basis for the full enjoyment of a wide range of other human rights".

82. The General Comment also expounded the extent of lawful restrictions that can be imposed on the right to freedom of expression, prescribing that any restrictions to freedom of expression must be compatible with the strict requirements of article 19, paragraph 3, of the International Covenant on Civil and Political Rights. The General Comment also deals with the relationship between articles 19 and 20 of the International Covenant on Civil and Political Rights, prescribing that "a limitation that is justified on the basis of article 20 must also comply with article 19, paragraph 3". On this point, it underscores that "it is only with regard to the specific forms of expression indicated in article 20 that States parties are obliged to have legal prohibitions". In every other case — while the State is not precluded in general terms from having such prohibitions — in which the "State restricts freedom of expression, it is necessary to justify the prohibitions and their provisions in strict conformity with article 19".

83. During the period under review, the Committee on the Elimination of Racial Discrimination referred to the intersectionality between racial and religious discrimination with regard to the defamation of religions, in a number of its concluding observations.

84. At its seventy-seventh session, held in August 2010, the Committee addressed racial discrimination in the forms of hate speech, intolerance, stereotyping and demeaning portrayals of certain communities and minorities, as well as statements of racial discrimination and incitement to hatred by government officials and politicians. It recommended the application by States parties of their existing

criminal legislation, the promotion of national unity and peaceful coexistence among members of various nationalities and religious groups, and the strengthening of institutions against acts of public incitement to ethnic and religious hatred. The Committee recommended to one State party that it take into account intersectionality when adopting and applying such measures.

85. At its seventy-eighth session, held in February and March 2011, the Committee, was concerned about restrictions to the right to freedom of religion against persons belonging to ethnic minorities, namely, discrimination and intimidation against minority groups and non-citizens; persistent registration difficulties faced by some religious groups, in particular Muslims; administrative sanctions against persons belonging to unregistered religious organizations and to non-citizens carrying out religious activities in public places; and identity checks of Muslims outside places of worship, as well as harassment of Muslims by the police.

86. The Committee also addressed anti-Semitic events and hate speech, as well as vandalism of religious sites. To this effect, the Committee called upon concerned States parties to prevent discrimination against persons and religious sites belonging to minorities; to ensure the right of members of registered and unregistered religions to freely exercise their right to freedom of religion or belief in public or in private; to register religious groups wishing to do so; to stop practices of identity checks; to sensitize the public concerning anti-Semitism; and to reinforce efforts to prevent and punish anti-Semitic acts. The Committee also focused its attention on the alleged discrimination regarding the restitution of property to certain religious groups whose assets were confiscated. It urged the State party concerned to ensure equal rights to freedom of religion for all, without preferential treatment.

VI. Special Procedures of the Human Rights Council

87. The Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented joint submissions to the series of OHCHR expert workshops on the prohibition of incitement to national, racial or religious hatred.[2] The three Special Rapporteurs noted the positive development of the adoption on 24 March 2011, by the Human Rights Council of resolution 16/18, entitled "Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief".

88. The Special Rapporteurs emphasized the principle that individuals rather than religions per se are rights-holders. Whereas the debate concerning the dissemination of expression which may offend the adherents of religions or faiths has throughout the past 12 years evolved around the notion of "defamation of religions", they welcomed the fact that the debate appeared to be shifting to the concept of "incitement to national, racial or religious hatred". In his thematic report at the sixteenth session of the Human Rights Council,[3] the Special Rapporteur on freedom of religion or belief noted that school education could and should contribute to the

[2] See www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/.
[3] A/HRC/16/53.

elimination of negative stereotypes, which often poison the relationship between different communities. He stressed that such negative stereotypes had particularly detrimental effects on minorities and with regard to religious or belief communities. The Special Rapporteur highlighted the importance of eradicating stereotypes and prejudices that constitute the root causes of fear, resentment and hatred in order to prevent violence and human rights abuses.

VII. Conclusion

89. **The contributions received indicate that States are addressing the upsurge in incitement, intolerance and hatred in many parts of the world in various ways. States and national actors are taking measures to combat these phenomena and the majority of these actions are in the constitutional and legislative domain. The principles of equality and non-discrimination as well as freedom of religion and freedom of expression and opinion are provided for at the highest level through constitutional enshrinement. Most States have such provisions on freedom of expression and opinion and freedom of religion and belief, to varying extents. Some States have prohibitions, inter alia, on the vilification and desecration of religious symbols, sites, places of worship, and sacred grounds. In the submissions received, there is often a concurrent criminal regime for the prohibition of actions infringing the freedom of religion and belief at the national level. Where advocacy and incitement to hatred is criminalized, it is often prohibited on several grounds, including racial, national and ethnic or religious.**

90. **States have also enacted at the national level specific laws, regulations and policies with regard to religious holidays, and national days, and recognizing religious diversity, multiculturalism or pluralism as part of the national character.**

91. **A number of other actions and measures have been highlighted in the contributions. The importance of public education in promoting tolerance and understanding in the public education system was noted. The value of ongoing public awareness-raising by the State, national human rights institutions, non-governmental organizations, faith groups and religious organizations, the media and other partners at the national level especially was underlined. The media has a significant role, and some contributions highlighted its use in educating the public about different cultures and religions, in counteracting contentious political discourse and divisive speech, and as a means for disseminating balanced information and portrayals, as well as bringing together groups and adherents of different religions and faiths.**

92. **The international human rights system is also considering and studying ways to address discrimination on the basis of religion and belief while balancing this right with freedom of opinion and expression, in particular. As human rights are interdependent, entities of the international human rights system are working to ensure that they are mutually promoted and protected.**

93. **All contributions show that dialogue is an effective means to promote tolerance and peace at all levels and combat discrimination based on religion and belief. It is recognized that intercultural and interreligious dialogue should be encouraged at the community level within States and at the national level,**

and that it should involve many stakeholders, including women, minority groups and faiths, and religious organizations, civil society, media, and public officials. At the international level, exchanges and dialogues between States was also underscored. Regional initiatives and international organizations such as the United Nations High Commissioner for Human Rights and particularly the Alliance of Civilizations serve as viable forums for continued learning, exchange and the promotion of understanding which can foster the promotion of human rights and peace.

United Nations A/66/373

General Assembly

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23 September 2011

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Sixty-sixth session
Agenda item 53
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 65/102.

2. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, in preparation for its field mission, addressed a letter dated 21 June 2011 to the Permanent Representative of Israel to the United Nations Office at Geneva, requesting full access to the occupied territories in order to fulfil the responsibilities entrusted to it by the General Assembly in resolution 65/102, and the opportunity to hold direct consultations with the concerned Israeli authorities regarding the human rights situation in the occupied territories. No response was received.

3. The Special Committee was supported by various United Nations agencies during the implementation of its mandate, especially the Office of the United Nations High Commissioner for Human Rights and the offices of the resident coordinators in Egypt and Jordan, who assisted in the organization of the field mission.

4. The Special Committee carried out its first ever mission to the Occupied Palestinian Territory, specifically to the Gaza Strip, by crossing Egypt's border with Gaza. Meetings in the Gaza Strip took place from 21 to 25 July 2011. The Special Committee also convened meetings in Jordan, from 26 to 28 July 2011. In the light of the situation in the Syrian Arab Republic during the period in which the field mission took place, the Special Committee engaged with interlocutors in the occupied Syrian Golan by way of videoconferences convened during the visit to Jordan. During its mission, the Special Committee collected testimony from 53 victims, witnesses or representatives of organizations working on human rights in

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the occupied territories. This testimony is reflected in the Special Committee's regular report, transmitted to the sixty-sixth session of the General Assembly by the Secretary-General, in accordance with resolution 65/102.

Department of Public Information

5. Pursuant to paragraph 8 (d) of resolution 65/102, the activities below were undertaken.

6. The News and Media Division continued to ensure that news and information about the Special Committee were widely disseminated. The Special Committee's meetings and statements were, in the first instance, covered by a total of eight press releases in English and French, which were issued within hours of the relevant activities.

7. The English and French platforms of the United Nations News Centre posted 14 stories about the activities of the Special Committee throughout the year. These articles were also e-mailed to the News Centre's subscriber base of tens of thousands of readers.

8. United Nations Radio provided regular reports and feature stories in eight languages (the six official languages, plus Kiswahili and Portuguese) on the work, activities and events associated with the Special Committee. Related issues, such as Israeli settlement activity and the demolition of Palestinian homes, especially in East Jerusalem, were also covered extensively, based on the comments and remarks of the Secretary-General and other senior officials and diplomats. United Nations Radio also covered issues related to the Israeli blockade of the Gaza Strip, the activities of special rapporteurs visiting the region and the overall economic, social and human rights conditions of people living in the Occupied Palestinian Territory.

9. United Nations Webcast provided live and on-demand coverage of more than 65 open United Nations meetings, briefings and events related to the Palestinian question, including those of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Television Section produced two videos on women's issues in the Occupied Palestinian Territory. The reports, one on women's health and the second on women's economic empowerment, were broadcast as part of the Section's newsmagazine programme "21st Century" and its series "UN in Action", and were distributed to more than 60 international broadcasters.

United Nations A/66/374

General Assembly

Distr.: General
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Sixty-sixth session
Agenda item 69 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

The situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

Summary

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, submitted in accordance with Human Rights Council resolution 16/9.

The Special Rapporteur officially assumed responsibility for the mandate on 1 August 2011 and has since notified the Secretariat that, owing to his late appointment, he would not be in a position to present a substantive report, but would focus instead on presenting his proposed methodology and cataloguing the most recent trends in the human rights situation in the Islamic Republic of Iran.

This would emphasize the need for greater transparency and cooperation from the Islamic Republic of Iran.

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Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 16/9, which establishes the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. This is the first country mandate of the Human Rights Council on the Islamic Republic of Iran since the termination in 2002 of the mandate of the former Commission on Human Rights. The resolution mandates the Special Rapporteur to: (a) submit an interim report to the General Assembly at its sixty-sixth session and (b) to submit a report to the Human Rights Council for consideration at its nineteenth session. It also calls upon the Government of the Islamic Republic of Iran to cooperate fully with the mandate holder and to permit access to visit the country as well as provide all necessary information to enable the fulfilment of the mandate.

2. The President of the Human Rights Council appointed the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran on 17 June 2011. Mr. Shaheed officially commenced his mandate on 1 August 2011, at which time he wrote to the authorities in the Islamic Republic of Iran to seek their cooperation in the discharge of his mandate. The Special Rapporteur requested an informal meeting with the Ambassador in July 2011 and also offered to travel to Switzerland during the month of August to meet with him prior to the submission of the present report, but was unsuccessful in scheduling either meeting. In a press release dated 3 August 2011, the Special Rapporteur appealed to the Government to extend its full cooperation to the carrying out of his mandate and stressed that the establishment of the new mandate provided an opportunity for the Islamic Republic of Iran to engage on a range of human rights issues that had been raised by the international community. On 19 September 2011, in a letter to the Special Rapporteur, the Permanent Representative of the Islamic Republic of Iran to the United Nations at Geneva, Ambassador Seyed Mohammad Reza Sajjadi, expressed a willingness to exchange views and discuss his methodology of work. A letter requesting a country visit in late November was transmitted to the Iranian authorities on 19 September 2011. The Special Rapporteur looks forward to a positive response to that request, as it would further signal the cooperative and constructive intentions of the Islamic Republic of Iran.

3. The Special Rapporteur undertook a private visit to Geneva prior to the commencement of his mandate in July 2011 and a formal visit in early September 2011. He met with a number of stakeholders, including the United Nations High Commissioner for Human Rights and a number of reputable international non-governmental organizations (NGOs) and country delegations, some of which supported the mandate and some of which did not.

4. The present report outlines the methodology that will guide the Special Rapporteur's work throughout the mandate and presents the focus of his work. The Special Rapporteur notes that a separate report of the Secretary-General on developments related to the human rights situation in the Islamic Republic of Iran since September 2010 (A/66/361) will also be submitted to the General Assembly at its sixty-sixth session. Without prejudice to the matters that he wishes to raise with the Iranian authorities, the Special Rapporteur shares the concerns addressed in the report of the Secretary-General, as well as the recommendations contained therein. Accordingly, the present report includes a section on recent developments with regard to the human rights situation in the Islamic Republic of Iran, but focuses on

cases and issues raised directly with the Special Rapporteur and on developments following the session of the Human Rights Council.

5. The Special Rapporteur welcomes statements that have been attributed to various Iranian functionaries about the country's interest in cooperating with the United Nations human rights system, including the standing invitation issued to thematic special procedures and the proposed visit to the Islamic Republic of Iran by the United Nations High Commissioner for Human Rights, as this would provide an opportunity for cooperation between the human rights machinery and the Iranian authorities through contact at the highest level. The Special Rapporteur hopes to have an opportunity to visit first, with a view to helping to make the High Commissioner's visit as substantive as possible. The Special Rapporteur also notes that a number of urgent appeals made by various thematic special rapporteurs remain unaddressed by the Iranian authorities. He fully shares the concerns addressed in those appeals, and regrets that no visit by a mandate holder has taken place since 2005.

6. The Special Rapporteur firmly believes that the establishment of the current mandate provides for a more coordinated engagement with the Iranian authorities on a range of human rights issues that have been raised by the international community. The country mandate is also an opportunity to facilitate a deeper, country-specific understanding of the human rights situation in the Islamic Republic of Iran, in its unique cultural and historical contexts. It is also an opportunity to advance the current efforts being made to address the challenges of the Islamic Republic of Iran in an incremental and holistic manner. The Special Rapporteur also hopes that the Islamic Republic of Iran will view his role as a secure and legitimate space in which to take steps to comply with its international obligations, as well as an opportunity to address the areas of concern communicated to the country during its interactions with the international community on human rights issues.

7. The Special Rapporteur will, therefore, continue to appeal to the Islamic Republic of Iran to extend its full cooperation to the fulfilment of the mandate. Engagement with the country mandate holder can only lessen the potential for politicization, over which the Islamic Republic of Iran has repeatedly expressed concern. However, insufficient cooperation will continue to heighten the concern of the international community and will reduce the potential for a positive and constructive dialogue on these issues.

II. Proposed methodology of work

8. The Special Rapporteur will be guided by the principles of impartiality, independence and transparency, with the explicit objectives of clarification, verification, and cooperation in the implementation of the human rights obligations of the Islamic Republic of Iran. The Special Rapporteur believes that the exercise of his mandate should be free from politicization and be guided solely by the interest of assisting the Islamic Republic of Iran to meet its international obligations in an incremental and transparent manner.

9. The primary focus of the Special Rapporteur's efforts will be to seek the cooperation of the authorities in the Islamic Republic of Iran in the interest of fair and accurate reporting on its human rights situation. In this regard, the Special Rapporteur will continue to express interest in undertaking field visits to the

country, meet with relevant official delegations of the country and seek information from the Iranian authorities on matters that are being addressed by the Secretary-General and the human rights machinery, especially those relating to issues highlighted in various resolutions of the General Assembly and the Human Rights Council.

10. The Special Rapporteur has sought and will continue to seek the cooperation of a number of Member States, including members of the Human Rights Council, and to request their support in facilitating his work. Although some of those countries are not necessarily supporters of country mandates, they uphold the legitimacy of Council decisions and the importance of international cooperation in the promotion and protection of human rights. The Special Rapporteur intends to remain in close contact with those countries and to seek their support in encouraging the Islamic Republic of Iran to enable the independent examination of the veracity of claims about its human rights situation. The Special Rapporteur hopes that members of the General Assembly will encourage the Islamic Republic of Iran and other countries to extend their cooperation to his efforts to gather relevant and accurate information.

11. The Special Rapporteur has been contacted by a number of Iranian human rights and civil society actors, as well as international organizations, concerning the human rights situation in the Islamic Republic of Iran, and has conducted a number of consultations with them. Those testimonies and issues are included in the present report. The Special Rapporteur will seek the cooperation of the Iranian authorities in examining these cases and will report on developments in his next report.

12. The Special Rapporteur believes that the outcome of the universal periodic review of the Human Rights Council, which examined the situation in the Islamic Republic of Iran in February 2010, provides a sound basis for collaboration between himself and the Iranian authorities. In that regard, he could contribute to the efforts of the Islamic Republic of Iran to implement the 123 recommendations of the review, which it agreed to accept for implementation with transparency and with the support of the international community. The Special Rapporteur will also seek to engage with the Islamic Republic of Iran on those recommendations that it rejected, especially in the light of international human rights law. Moreover, issues highlighted in reports to treaty bodies, in various reports of the Secretary-General and thematic mandate holders, as well as in resolutions of the General Assembly and the Human Rights Council, will constitute a major part of the Special Rapporteur's agenda for engagement with Iran.

13. The Special Rapporteur will also work in collaboration with the other thematic mandate holders on urgent appeals and other communications and will consider generating his own appeals and communications as necessary. He notes that, while a number of communications remain unanswered, there have been many instances in which the Islamic Republic of Iran has responded, and he will seek to increase the level of communication with the Government on matters of interest to the Human Rights Council and the General Assembly.

14. The Special Rapporteur believes that the mandate also entails an important advocacy role in relation to the international obligations of the country concerned and will give considerable attention to collaboration with Iranian human rights defenders and civil society, in accordance with the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council. He will also promote

efforts to generate non-political discussion, advocacy, publicity and study of the human rights situation in the Islamic Republic of Iran through civil society interaction and engagement of legal and academic expertise. He also intends to maintain a high media profile, not only to amplify the efforts of the Iranian authorities to meet their international obligations, but also to highlight the grievances of those who feel victimized. In that regard, the Special Rapporteur also believes in maintaining a balance between constructive engagement with Iranian authorities and media advocacy in order to demonstrate good faith and commitment in investigating allegations of human rights abuses.

III. Human rights situation

15. The Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights on 24 June 1975, without reservations, thereby committing itself to the promotion and protection of the guarantees therein. These include freedom of expression, assembly, association and religion, all of which are recognized as integral to the promotion and protection of democratic ideals.

16. The Covenant also provides for the right to due process, legal assistance and humane treatment of detainees, and prohibits the arbitrary arrest and detention of individuals. International law also secures equal rights of women, stipulating that State parties must ensure the "equal right of men and women to the enjoyment of all civil and political rights" contained in article 3 of the Covenant. Those rights also include the right to be elected by and participate in free and fair elections. Likewise, the Covenant protects the rights of minorities, where they exist in a country, by stipulating, in article 27, that minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion or to use their own language.

17. In line with these human rights safeguards, articles 23 to 27 of the Constitution of the Islamic Republic of Iran provide for freedom of expression, assembly and association as well as the freedom to practise one's religion. In addition, the rights of the accused and detained are protected by the Constitution in articles 32 and 35, wherein it is stated that charges with reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours.

18. A number of individuals and organizations provided the Special Rapporteur with first-hand testimonies, the preponderance of which presents a pattern of systemic violations of the aforementioned fundamental human rights. In that regard, and without prejudice to subsequent communications, the most urgent issues that have been brought to the attention of the Special Rapporteur include multifarious deficits in relation to the administration of justice, certain practices that amount to torture, cruel, or degrading treatment of detainees, the imposition of the death penalty in the absence of proper judicial safeguards, the status of women, the persecution of religious and ethnic minorities, and the erosion of civil and political rights, in particular, the harassment and intimidation of human rights defenders and civil society actors.

19. Furthermore, reports frequently communicated the use of physical and psychological mistreatment and torture for the purposes of inducing

self-incrimination. In that regard, several personal interviews revealed that individuals were often held in solitary confinement for long periods during the investigative phases of their cases. All of those interviewed with regard to their detention reported the consistent use of blindfolds when being transferred from solitary confinement, as well as during their interrogations. Several persons reported being threatened, beaten, insulted or intimidated by threats against family members, and they speculated that those actions were intended to encourage admission to knowledge of or association with persons reportedly unknown to the detainees. Incidences of the arrest and/or intimidation of family members were also often reported.

20. Charges brought against human rights defenders, as well as civil society and religious actors, include: (a) acting against national security; (b) participating in an illegal gathering; (c) insulting the Supreme Leader; and (d) spreading propaganda against the regime. The latter charge appears in a significant number of cases discussed below.

21. The majority of reports also highlight exorbitant bail requirements, reportedly totalling between $10,000 and $500,000, to guarantee the appearance before the court of those arrested for activities pertaining to civil, political or human rights. Defendants and/or their guarantors must often furnish deeds or sign promissory notes that are later used to garnish the wages of guarantors. All reports maintain that deeds used to guarantee appearances were never returned to the guarantors, even after acquittals or final convictions. Since these parties no longer possess the deeds to their properties, they are deprived of financial control of their assets, which produces a disturbing level of persistent punishment, even beyond the conclusion of the cases.

22. Moreover, several reports allege that prosecutors are aware of the sentence to be imposed prior to the defendant's appearance in court for sentencing and often inform the defendants accordingly. Those reports contain speculations that this reflects a lack of independence of judges in such cases, which is of deep concern to the Special Rapporteur.

23. The Special Rapporteur is encouraged by the announcement by Iranian authorities on 28 August 2011 of their intention to pardon 100 political prisoners accused of various crimes, including participation in the 2009 protests. He hopes that this step, together with the review of the cases of human rights defenders, lawyers, journalists, women's rights activists, artists and other civil society actors highlighted in the present report, will advance the Government's progress in improving its human rights situation. Moreover, the Special Rapporteur requests the Government of the Islamic Republic of Iran to provide him with information about the process and the criteria employed to grant amnesty to the aforementioned individuals. The Special Rapporteur is encouraged by the release from custody, on 21 September 2011, of two hikers from the United States of America.

A. Treatment of civil society actors

1. Political activists

24. Reports about the detention conditions and denial of the rights of political leaders Mir-Hossein Mousavi and Mehdi Karroubi, as well as their wives, Zahra

Rahnavard and Fatemeh Karroubi, are deeply disturbing. All four individuals were placed under a form of house arrest by the Government in February 2011 in response to their calls for protest in solidarity with pro-democracy activists throughout the region.

25. A description of Mr. Mousavi's detention conditions was conveyed to the Special Rapporteur during an interview by a person close to his campaign on 26 August 2011. The witness, who wishes to remain anonymous, reported that, despite the fact that no formal charges had been brought against Mr. Mousavi or his wife, the conditions surrounding their confinement to their home had led Mr. Mousavi and Mrs. Rahnavard to consider themselves prisoners of the State. The individuals have reportedly been unable to communicate freely with family or friends since their detention. The witness reported that all methods of communication had been either destroyed or removed from the couple's home. He also stated that, as at two weeks prior to the interview, the couple had been allowed only a few closely monitored visits with family members over the previous six months. It was reported that family members were thoroughly searched, and it was speculated that their visits were recorded. Moreover, the couple have reportedly been deprived of control over their health care, access to publications, privacy and the ability to live a normal life. The harassment and intimidation of Mr. Mousavi's family members was also conveyed. The witness stated that Mr. Mousavi's family was deeply concerned about his health, as he had reportedly lost a significant amount of weight. However, despite several incidents of discomfort that required medical attention, physicians who have treated Mr. Mousavi have reported that his health was not critical.

26. An interview with a close colleague of Mr. Karroubi who wishes to remain anonymous was conducted on 23 August 2011. The witness conveyed a first-hand account of violence directed against Mr. Karroubi and his staff, as well as the conditions of Mr. Karroubi's house arrest. It was reported that all of Mr. Karroubi's phone lines were disconnected and that authorities had entered Mr. Karroubi's home and removed his television and all of his books and files. Mrs. Karroubi was not allowed to keep her medical appointments, the couple's medication was confiscated and Mr. Karroubi has not been allowed access to the family doctor, despite respiratory issues. It was also reported that Mr. Karroubi had been allowed outside for fresh air only once for 10 minutes during his 186 days of house arrest. The witness also stated that Mr. Karroubi's privacy had been compromised, since intelligence officers and cameras transmitting images to an unknown location had monitored all the hallways and rooms of the first location used for the couple's detention. It was further reported that Mr. Karroubi had been allowed only six visits from his family since his house arrest, that visitors were fully searched upon entering and leaving the house and that agents surrounded the couple for the duration of the visits. Mr. and Mrs. Karroubi were removed from their home and taken to separate locations on 16 July and 1 August 2011, respectively. While Mrs. Karroubi is reportedly no longer under house arrest, Mr. Karroubi was transferred and detained in a two-room office and has had no contact with his family since 16 July. Reports that six agents consistently occupy both rooms and that a team of psychiatrists also surrounds Mr. Karroubi for the purpose of coercing televised confessions are deeply disturbing to the Special Rapporteur. It was also reported that members of both Mr. Mousavi's and Mr. Karroubi's families have been harassed, intimidated and/or briefly detained.

27. Heshmatollah Tabarzadi, political activist and Secretary-General of the Iran Democratic Front, was arrested on 27 December 2009 and transferred to Evin prison. He was reportedly confined to a solitary cell and tortured. In October 2010, he was sentenced to nine years' imprisonment and 74 lashes for "gathering and colluding against national security" and "insulting the Supreme Leader". After protesting against the execution of five political prisoners, Mr. Tabarzadi was transferred to Rajaee Shahr prison. He wrote a letter from prison asking the international courts to review his grievances against the Supreme Leader, Ayatollah Ali Khamenei. In April 2011, Mr. Tabarzadi, along with other prisoners, went on a hunger strike to protest prison conditions.

2. Journalists

28. In a letter to the Special Rapporteur dated 17 August 2011, the Committee to Protect Journalists stated that 34 journalists had been detained as at the end of 2010. They wrote that journalists were often subjected to exorbitant bail, at times totalling as high as $500,000. One such case is that of Ahmad Zeidabadi, reformist, journalist and columnist for Rooz Online, and the Secretary-General of the Iranian Alumni Association, Advar-e Tahkim-e Vahdat, who was arrested on 14 June 2009. Mr. Zeidabadi's attorney and wife reported that he was detained for more than two years and denied furlough for the duration of his detention. On 4 August 2011, Mr. Zeidabadi was granted a 48-hour furlough on the condition that he post $500,000 bond. Mr. Zeidabadi was sentenced on 2 January 2010 to six years' imprisonment, five years' exile in Gonabad and a lifetime ban on social and political activities on charges of "attempting to implement a velvet revolution". Mr. Zeidabadi has reportedly spent 141 days in solitary confinement, suffered difficult interrogations and was violently coerced to incriminate himself.[1]

29. Mohammad Davari, winner of the Committee to Protect Journalists International Freedom Award and editor-in-chief of the Saham News website, videotaped statements from detainees at the Kahrizak detention centre who indicated that they had been raped, abused and tortured. This, among other reasons, reportedly led to the closing of the detention centre in July 2009 amid public uproar. Mr. Davari's work reportedly led to his arrest and detention in Evin prison in September 2009, and he was sentenced to five years' imprisonment for "mutiny against the regime". The sentence was recently increased to six years because of Mr. Davari's inability to pay a $5,000 fine for his participation in a teachers' protest in February and March 2006. His mother has written to the Secretary-General, communicating that her son has endured torture while in custody. Mr. Davari was reportedly tortured for the purpose of soliciting televised confessions against Mehdi Karroubi, a former presidential candidate. It is reported that Mr. Davari is being held in solitary confinement and has not been allowed to have contact with his family for more than eight months.

30. Accounts regarding the detention and death of an Iranian journalist and social activist, Reza Hoda Saber, raise further concerns about arbitrary arrest and detention and the treatment of civil society actors. Mr. Saber is reported to have suffered a heart attack following a hunger strike at Evin prison and died on 12 June 2011. There are concerns that prison authorities may have denied proper medical attention

[1] Committee to Protect Journalists, "Iran must work toward improving press freedom", 17 August 2011, available at www.cpj.org/2011/08/post-3.php#more.

to Mr. Saber, who is reported to have complained of chest pains for hours before he was given access to medical care. Mr. Saber had been on a hunger strike since 2 June, after Haleh Sahabi, daughter of Ezzatollah Sahabi, a nationalist-religious leader, died of a heart attack after a confrontation with security forces at her father's funeral (see para. 51). Information received by the Special Rapporteur suggests that prisoners use hunger strikes as a means of protesting against prison conditions, arbitrary detention and/or discriminatory sentences. At the time of writing at least 15 prisoners were reported to be on a hunger strike, some of whom were in critical condition.

31. Issa Saharkhiz, journalist, political activist and former head of the National Press Department of the Ministry of Culture and Islamic Guidance, is being detained at Rajaee Shahr prison on charges of "insulting the Supreme Leader" and making "propaganda against the regime". Mr. Saharkhiz was arrested on 3 August 2009 and sentenced to three years in prison, along with a one-year ban on foreign travel and a five-year prohibition on journalistic activities. Mr. Saharkhiz was informed on 5 August 2011 that he had been sentenced to an additional two years in prison for his prior journalistic activities.

32. Hossein Ronaghi Maleki, a blogger, was arrested on 13 December 2009 and held in solitary confinement for almost 11 months in Evin prison in ward 2-A. Mr. Maleki was sentenced to 15 years in prison on 5 October 2010 on charges of "membership in the Iran Proxy Network", "insulting the Supreme Leader" and "insulting the President". Mr. Maleki's attorney announced that his client had health issues that required medical attention outside the prison. On 15 March 2010, *Kayhan* newspaper published an article in which Mr. Maleki was accused of, inter alia, "accepting money from Western countries", "helping political figures escape Iran" and "heading political gangs". Mr. Maleki is reportedly being held in ward 350 in Evin prison.

33. Masoud Bastani, a journalist, was arrested on 5 July 2009 for "activities on the Jomhouriyat website", which openly supported Mr. Mousavi during the 2009 presidential elections, as well as "collusion, creating riots, and propaganda against the regime". Mr. Bastani reportedly spent three months in solitary confinement and was beaten by a prison staff member during a family visit in June 2011, when he asked for a few more minutes to say goodbye to his mother and wife. As a result, Bastani suffered nausea and disorientation leading to his transfer to the hospital, where he reportedly spent a day under observation for brain damage. After retracting his complaint for the beating, he was transferred from a solitary cell to the general ward.

34. Bahman Ahmadi Amouee, a journalist who contributed to reformist newspapers and was the author of a blog, was arrested in June 2009 and is serving a five-year sentence for "actions against national security". In a letter describing his prison conditions, Mr. Amouee and several other prisoners wrote that most of them had been subjected to inhumane conditions, including the common use of solitary confinement in cells measuring approximately 2.2 by 1.6 m (6.6 by 4.8 ft). The letter conveyed that they were subject to severe beatings and mistreatment, including the shoving of their heads into toilet bowls, repeated threats and the use of prolonged sleep deprivation.

35. Mohamamd Sadiq Kaboudvand, founder of the Human Rights Organization of Kurdistan (HROK) and a journalist, was arrested in June 2007 and held in Evin

prison, where he was placed in solitary confinement for five months. He was sentenced to 10 years in prison on charges of "acting against national security through establishment [of] HROK", "widespread propaganda against the system by disseminating news", "opposing Islamic penal laws by publicizing punishments such as stoning and executions" and "advocating on behalf of political prisoners". Mr. Kaboudvand has since suffered from a series of chronic and acute medical problems often not attended to by medical staff, including two strokes in 2010. Mr. Kaboudvand's wife stated that her husband had told her that he had been seen by a neurologist after the first stroke, but that he had not been examined thoroughly and no tests had been administered. She also reported that her husband had maintained that the attending physician had prescribed a series of pills to be taken daily instead, but had not given any details about their name, their prescribed use or their possible side effects.

36. Taghi Rahmani, journalist, author, member of the Nationalist Religious Activists Council and an active member of Mehdi Karroubi's 2009 election campaign, was arrested on 9 February 2011 after unidentified security agents reportedly broke into his home violently and detained him in the presence of his wife and two young children. According to his wife, Narges Mohammadi, Iranian authorities have not given any information about his charges to date.

37. Keyvan Samimi, managing editor of the now-defunct *Nameh* magazine, was arrested on 14 June 2009. He was sentenced to six years in prison and a lifetime ban on political, social and cultural activities on charges of "membership in illegal groups, including the 'National Religious Coalition', 'National Peace Council' and the 'Committee to Investigate Arbitrary Detentions'". An appeals court upheld his prison sentence but reduced the ban on his activities to 15 years. Mr. Samimi has developed liver disease in prison, but prison authorities have reportedly refused to give him permission to have medical treatment outside prison. Mr. Samimi has also been reportedly subjected to ill-treatment on numerous occasions during his time in custody, and in February 2010 local activists reported that he had been transferred to solitary confinement after he objected to substandard conditions. It was reported that his family visits were also cancelled.

3. Student activists

38. Three interviews with student activists who wish to remain anonymous were conducted. They reported that they faced arrest and intimidation and were sometimes subjected to beatings and torture for their ties to legally registered student activist organizations. Additional cases were also communicated to the Special Rapporteur by reputable NGOs.

39. Student activist Abdollah Momeni was arrested on 21 June 2009 and sentenced to 4 years and 11 months in prison for his participation in the 2009 protests. It was reported that Mr. Momeni was placed in solitary confinement for almost 200 days, subjected to physical and psychological abuse and coerced into making a televised confession. In a letter to Ayatollah Khamanei, Mr. Momeni wrote that his interrogator had strangled him to the point of unconsciousness and that authorities frequently shoved his head into toilets. Momeni also reported that he had been deprived of furlough and family visits after the submission of that letter. New charges were filed against Mr. Momeni on 27 July 2011 for allegedly writing the aforementioned letter. Mr. Momeni's wife also reported that her husband needed

medical treatment outside of prison, but that he had been denied proper medical care. Mr. Momeni has yet to be sentenced, however, and he has not been given furlough since his detention.

40. Ramin Parchami, a graduate student of film directing and acting, was arrested during the 14 February 2011 street protests. The presiding judge sentenced Mr. Parchami to one year in prison on charges of "acting against national security through participation in an illegal gathering", "attempting to videotape" and "disrupting public order". The artist, who supports the Green Movement, was detained in a solitary cell at the Intelligence Ministry's ward 209 inside Evin prison for more than two months. He was then transferred to ward 350.

41. Ali Malihi, student activist, journalist, and member of the Tahkim-e Vahdat Alumni Association, was arrested on 2 February 2010 and convicted on charges of "congregation and collusion against the regime", "propaganda against the regime", "participation in illegal gatherings", "publication of falsehoods" and "insulting the President". His four-year sentence on those charges was upheld in July 2011.

42. Arash Sadeghi, a student activist, was denied the right to continue his higher education, reportedly as a result of his involvement in Mir-Hossein Mousavi's presidential campaign. Mr. Sadeghi was first arrested on 9 July 2009 during a raid of Tehran University's campus and released after 45 days. Mr. Sadeghi was arrested again in the aftermath of the 27 December 2009 Ashura Day protests, and released in April 2010. He was summoned to Evin prison court in November 2010 and arrested and sentenced to five years in prison for "assembly and collusion against the regime". Sadeghi was reportedly hospitalized in April 2011 due to a hunger strike that led to his slipping into a coma. Mr. Sadeghi also reportedly suffers from other medical problems as a result of repeated beatings and torture, including a lung infection and limb paralysis.

4. Artists

43. Jafar Panahi, a highly acclaimed Iranian film director and winner of the Cannes Film Festival's Camera d'Or Award and the Venice Film Festival's Golden Lion Award for his films "White Balloon" and "The Circle", was first arrested on 30 July 2009, along with documentary filmmaker Mahnaz Mohammadi, when they attended a memorial to pay their respects to those who were killed during the post-election protests. He was released a few days later. Mr. Panahi was arrested again on 1 March 2010 at his home, along with 18 family members and friends. His family and friends were released after a few days, but he remained in detention until 25 May 2010, when he was released on $200,000 bail following reactions from the international arts community. On 20 December 2010, the presiding judge sentenced Mr. Panahi to six years in prison and imposed a 20-year ban on making and directing any films, writing screenplays, conducting interviews with the national or international media and travelling abroad.

44. Film director Mohammad Rasoulof, Mr. Panahi's colleague, was also sentenced to six years in prison. Branch 26 of Tehran's Revolutionary Court cited articles 500, 610 and 19 of the Islamic Penal Code as the basis for its ruling, listing charges such as "assembly and collusion with the intent to commit a crime against national security, and propagating against the Islamic Republic of Iran".

45. Mohsen Namjoo, a well-known Iranian singer and composer, was sentenced in absentia to a five-year prison term on 9 June 2009. Mr. Namjoo's conviction for the crime of "insulting Islamic sanctities" was based on his alleged ridiculing and unconventional singing about the Koran. He is currently abroad.

5. Lawyers

46. Prominent human rights lawyer and Nobel laureate, Shirin Ebadi, submitted to the Special Rapporteur a list of 42 attorneys that have faced Government prosecution since 2009. She noted that the Government of the Islamic Republic of Iran had been viewing lawyers representing political and ideological defendants with suspicion in recent years and, as a result, they had had criminal cases filed against them. Some of them, such as Houtan Kian, Ghasem Sholeh-Sa'adi and Hossein Younesi, were currently in prison. Several others, such as Mohammad Ali Dadkhah, Khalil Bahramian and Abdolfattah Soltani, were free on bail, and others, such as Mahnaz Parakand and Nasim Ghanavi, were being interrogated. Ms. Ebadi also stated that the majority of the attorneys faced charges related to their representation and public advocacy for the rights of defendants in political cases, and that it was inevitable that, as a result, lawyers in the country would soon lose the courage to defend those individuals.

47. A prominent Iranian human rights lawyer, Nasrin Sotoudeh, was summoned to Evin prison court on 4 September 2010, where she was arrested and transferred to solitary confinement. In January 2011, she was sentenced to 11 years in prison, with a 20-year ban on being professionally active and a 20-year travel ban on charges of "acting against national security", "colluding and propagating against the Islamic Republic of Iran" and "membership in the Defenders of Human Rights Centre". Almost a year after her arrest, Ms. Sotoudeh, the mother of two young children, remains in Evin prison and is denied furlough. After being told by interrogators that the appeals court would uphold her 11-year prison sentence, Ms. Sotoudeh withdrew her request for appeal. She has been on several hunger strikes to protest her illegal detention and violations of her rights. According to information received by the Special Rapporteur, Ms. Sotoudeh's husband, Reza Khandan, who has publicly campaigned for fair treatment for his wife, was questioned by the authorities, arrested and reportedly subjected to physical abuse and threats. Ms. Sotoudeh's family members were reportedly physically abused and detained by prison authorities in a recent visit to the prison. In protest against the physical abuse and detention of family members, Ms. Sotoudeh has reportedly stopped receiving family visits.

48. Mohammad Seifzadeh, prominent lawyer and co-founder of the Defenders of Human Rights Centre, was sentenced on 30 October 2010 to 9 years in prison and a 10-year ban on practising law for "acting against national security" by "establishing the Centre for Human Rights Defenders". His case is currently under review by an appeals court. His charges also include "collusion and assembly with the intent to disrupt internal security" and "propagation activities against the regime". He has reportedly been denied access to his attorney and other due process rights.

6. Environmentalists — Save Lake Urmia Campaign

49. Communications regarding escalations in the dispute over threats to Lake Urmia, located between the East and West Azerbaijan provinces of the Islamic

Republic of Iran, were sent to the Special Rapporteur by several NGOs in August 2011. Environmentalists, as well as residents of two major cities surrounding the lake — Urmia and Tabriz — argue that the construction of 35 dams built on 21 rivers that feed the lake deprive it of 5.5 billion cubic metres of water annually. This deprivation is said to be the major cause of increasingly low water levels and salinity of the saltwater lake. It is reported that 8 billion tons of salt will potentially be released into surrounding areas if the lake dries up, producing significant flora and fauna losses and affecting the health and agricultural capacities of an estimated 14 million people in the area.

50. Protests calling for action to save the lake after the Iranian Parliament failed to pass an emergency bill to raise water levels by diverting water from the Aras River began in late August 2011. These protests have reportedly resulted in the arrest and detention of at least 60 individuals for their participation in the protests and injuries to another 45 protestors as a result of shootings by authorities. Allegations of lack of access to lawyers, family and medical treatment, torture and other inhuman and degrading treatment of detained protestors were also received. Faranak Farid, an activist, journalist and member of the Azerbaijani minority in the Islamic Republic of Iran, was reportedly tortured after her arrest on 3 September in the city of Tabriz. Ms. Faranak, currently being held in Tabriz prison, is reportedly accused of insulting the Supreme Leader, spreading propaganda against the system and acting against national security. The Special Rapporteur is concerned by claims of suppression of guaranteed rights to freedom of expression and assembly, as well as allegations of the deprivation of due process rights.

B. Freedom of assembly

51. The International Covenant on Civil and Political Rights guarantees the right to peaceful assembly. However, several accounts alleging the deprivation of the right to peaceful assembly include the Government's denial of permits and intimidation of demonstrations commemorating the anniversary of the June 2009 election protests. The Special Rapporteur was made aware of one such incident in which members of the Government allegedly denied mourners the right to attend the funeral of political activist, Ezatollah Sahabi. Accounts suggest that security forces disrupted the funeral observances, held in June 2011, by forcibly seizing and removing Mr. Sahabi's body and beating mourners, including Mr. Sahabi's daughter, Haleh Sahabi. Ms. Sahabi, also a political activist, was serving a two-year sentence in prison for "spreading propaganda against the regime" and "disrupting public order", but had been released from prison to attend her father's funeral. Eyewitnesses maintain that Ms. Sahabi sustained beatings by the security forces, after which she suffered a fatal heart attack.

52. A former member of Mehdi Karroubi's presidential campaign who wishes to remain anonymous reported during an interview that, on 30 July 2009, Mr. Karroubi had attended a memorial service in Behesht cemetery for those who had died in the June 2009 protests, when police forces reportedly had attacked participants with batons, pepper spray and tear gas. The witness reported that he had been separated from Mr. Karroubi while the latter was being severely beaten, but that Mr. Karroubi had been rushed relatively unharmed to his car by his mandatory security detail. The aforementioned witness also reported another attack on Mr. Karroubi and attendants at a gathering north of Azadi Square on 11 February 2010. Mr. Karroubi was

reportedly beaten on his thighs and back and suffered from exposure to tear gas and pepper spray. One of Mr. Karroubi's sons, Ali Karroubi, was arrested along with many other demonstrators and taken to a mosque for holding. Ali Karroubi was reportedly subjected to severe beatings in front of the other detainees during his detention. It was reported that one arm had been fractured and that he had suffered from injuries to his back and one eye. He was released 24 hours later.

C. Women's rights

53. The Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights without reservations, indicating its intention to promote and protect women's enjoyment of all civil, political, social and economic rights set out in the Covenants. While article 20 of the Iranian Constitution states that "all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria", interpretations of how sharia law accommodates gender equality is the subject of ongoing dialogue between the State and women's rights activists. The Special Rapporteur contends that the Government's capacity to accommodate democracy, pluralism and gender equality is seriously undermined by the repression of activities that advance this dialogue.

54. Moreover, the application of certain laws that erect barriers to gender equality undermine the Government's ability to equally protect those human rights stipulated in the International Covenant on Civil and Political Rights for all its citizens. For example, a woman's worth and testimony in a court of law are regarded as half that of a man's. Men have absolute rights to divorce, while women may initiate divorce only if they meet certain conditions, some of which must be agreed to in a marriage contract. Mothers can never be awarded guardianship rights for their children, even upon the death of their husbands. Women do not have equitable inheritance rights, and even when a wife is the sole survivor to her husband's estate, she may not inherit more than a quarter of the estate. If she is not the sole survivor, she is limited to an eighth.

55. Women's rights activists who endeavour to address the aforementioned gender equality issues seem to have been targeted for their campaigns and activities in support of women's rights. For example, members of the "One Million Signatures Campaign" have routinely been subjected to threats, harassment, interrogations and imprisonment. The Special Rapporteur conducted two interviews with members of that campaign who wish to remain anonymous. Those individuals reported that they had been monitored, arrested, detained and interrogated while blindfolded for actions related to their student and women's rights activities. They also reported having been threatened with expulsion from university or prevented from pursuing further education as result of their activities. In addition, they reported having endured lengthy periods in solitary confinement during the investigative phases of their cases, lack of access to legal counsel and being coerced for the purposes of incriminating themselves or others known or unknown to them. One of the witnesses reported having been sentenced in absentia to five years' imprisonment for the "encouragement for protests", one year for disseminating propaganda through media interviews and articles and one year and 74 lashes for "acting against the regime by means of participating in peaceful demonstrations".

56. Moreover, strict implementation of the morality code concerning dress and attempts to criminalize improper veils have limited women's participation in public and social arenas. Equally worrisome are statements made by authorities that blame victims for inducing attackers to violate their physical integrity. These include reports of Government officials citing women's dress as the cause of recent attacks that took place in Isfahan in June 2011, where 14 women were kidnapped and gang-raped while attending a private party. Government statements asserted that the women's dress was a source of the violence perpetrated against them and a rationale for the lack of action in bringing the perpetrators to justice.

57. The case of Bahareh Hedayat, a student and women's rights activist, member of the Central Council and Spokesperson for the "Daftar-e Tahkim-e Vahdat" student union and an activist with the "One Million Signatures Campaign" was submitted to the Special Rapporteur. She was reportedly arrested by the Ministry of Intelligence for the fifth time in four years on 31 December 2009. She was transferred to Evin prison's ward 209. In May 2010, Ms. Hedayat was sentenced to nine and a half years in prison for "assembly and collusion against the regime", "insulting the Supreme Leader" and "insulting the President". The court also reactivated an earlier two-year suspended sentence for participating in a 2006 gathering to protest against laws discriminating against women.

58. Mahboubeh Karami, a women's rights activist and member of the "One Million Signatures Campaign", was arrested on 1 March 2009 and spent 170 days in prison before being released on bail of $500,000. Ms. Karami was sentenced to four years in prison. In February 2011, an appeals court reduced her sentence to three years. She began her three-year prison term on 15 May 2011 after responding to a summons requiring her to report to Evin prison in Tehran. Ms. Karami's charges include "membership in the Human Rights Activists in Iran organization", "propagating against the regime" and "assembly and collusion with the intent to commit crimes against national security".

D. Religious and ethnic minorities

59. The Special Rapporteur is also concerned by reports of targeted violence and discrimination against minority groups. Members of recognized and unrecognized religious and ethnic minorities such Arabs, Azeris, Balochs, Kurds, Nematullahi Sufi Muslims, Sunnis, Baha'is and Christians are reportedly facing a wide range of human and civil rights violations. These include encroachment on their rights to freedom of assembly, association, expression, movement and liberty.

60. The Special Rapporteur is concerned about reports of violations against the Baha'i community, which, despite being the largest non-Muslim religious minority, does not enjoy recognition as such by the Government. Its members have historically suffered multifaceted discrimination, including denial of jobs, pensions and educational opportunities, as well as confiscation and destruction of property. According to information received by the Special Rapporteur, at least 100 members of the Baha'i community, including seven community leaders[2] are currently

[2] Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saied Rezaie, Behrouz Tavakkoli, Vahid Tizfahm, and Mahvash Sabet are the seven members of the Baha'i faith who had been detained since 14 May 2008 and who went on trial on 12 January 2010 for charges including "acting against national security, espionage and spreading corruption on Earth. They have each been sentenced to 20 years' imprisonment.

critic of the post-election crackdown. Throughout July and August 2009, Ayatollah Saanei spoke out against detentions, torture, forced confessions and violence against dissidents and protestors. On 3 January 2010, plain-clothes Basijis reportedly attacked Ayatollah Saanei's office in the city of Gorgan after he delivered a speech that criticized the post-election developments in that city. Plain-clothes agents also reportedly congregated in front of his house in Qom, attacked it and destroyed property inside on 13 June 2010.

65. Mowlavi Habiballah Marjani, a teacher and director of seminary student affairs at Dar-al-Ulum Seminary, was arrested on 1 May 2011. On 24 May 2011, Bultan News, an Iranian website known for its close association with intelligence circles, claimed that Mr. Marjani had been charged with "attempts to organize illegal gatherings". There is no information about Mr. Marjani's whereabouts or his current condition.

66. Hojataleslam Ahmad Ghabel is a well-known religious scholar and a close associate and former student of the dissident cleric Ayatollah Montazeri. On 14 September 2010, Mr. Ghabel was summoned to the revolutionary court in Mashhad. When he arrived, he was arrested and transferred to Vakilabad prison in Mashhad. He was charged for interviews he had given about prison conditions and mass secret executions inside Vakilabad prison. On 31 July 2011, Mr. Ghabel was ordered to report to that prison, where he is currently serving his 20-month sentence.

67. Hojataleslam Mojtaba Lotfi is a young cleric who published his articles in reformist newspapers and websites. He was arrested on the order of the Special Court for the Clergy in city of Qom on 8 October 2008. He was charged with "publication of lies and production and distribution of articles and writings without a legal permit". The Court sentenced Mr. Lotfi to four years in prison and five years of internal exile on 29 November 2008 and transferred him to Langrood prison in Qom to serve his term. On 29 November 2009, authorities announced that Mr. Lotfi would be allowed to spend his evenings, from sunset until next morning at his home, and that he was required to report to prison every morning. He was arrested again after participating in Ayatollah Montazeri's funeral procession and was subsequently prosecuted by the Special Court for the Clergy under the charge of "participation in Ayatollah Montazeri's funeral during a prison furlough". The court sentenced him to 10 years of internal exile in the city of Ashtian.

68. The Special Rapporteur also received reports of discrimination against Sunni Muslim sects in the Islamic Republic of Iran. For instance, Sunnis are reportedly not allowed to build any mosques and houses of worship and are also prevented from offering prayers in congregation, especially Eid and Friday prayers. On 29 August 2011, a religious Sunni leader and cleric Shaikh-ul-Islam Mawlana Abdul Hameed asked the Supreme Leader to remove barriers from establishing Eid and Friday prayers of Sunnis in major cities. He also expressed concern over reports regarding discriminative measures of officials by taking written oaths from Sunni scholars in Tehran to not offer Eid al-Fitr prayers. Furthermore, on 6 February 2011, security forces reportedly raided a house of worship for Sunnis in Tehran, locked it up and detained its prayer leader, Mowlavi Musazadeh. He was released on 13 March 2011 after posting bail.

imprisoned in the Islamic Republic of Iran. The majority of those detained allegedly face national security-related charges and have undergone judicial proceedings that lacked due process and fair trial standards.

61. In addition, recognized religious minorities reportedly face serious constraints in the enjoyment of their rights and are subjected to severe limitations and restrictions on the freedom of religion and belief. For instance, the Special Rapporteur notes that conversion from Islam is still punishable. Articles 13 and 26 of the Constitution recognize Christianity, granting Christians the right to worship freely and to form religious societies. Article 14 obligates the Government to uphold the equality and human rights of Christians. However, Christians in the Islamic Republic of Iran are reportedly subjected to limitations on their freedom of religion and various forms of religious discrimination. This is said to be particularly true of Protestant Christians, most of whom are newly converted. The Intelligence Ministry is reported to closely monitor Protestant congregations and to routinely summon or detain members of Protestant groups for interrogations, during which individuals are questioned about their beliefs, church activities and other church members and are often urged to return to Islam. In this regard, some Protestants reported having been threatened by intelligence officials with arrest and apostasy charges if they did not return to Islam. This pattern of harassment has reportedly resulted in the operations of most Protestant churches going underground, where church services and Bible studies are conducted in private homes.

62. The Special Rapporteur was particularly disturbed by a recent ruling of the Supreme Court that upheld a death sentence for Yousef Nadarkhani, a Protestant pastor, who was reportedly born to Muslim parents but converted to Christianity when he was 19 years old. The verdict reads that, unless he decides to renounce his Christianity, Mr. Nadarkhani will be executed by hanging. This is an emblematic case of religious intolerance and State-sanctioned violations of the right to freedom of religion and belief, a fundamental freedom guaranteed by international instruments. Behrouz Sadegh-Khanjani, pastor for the Church of Iran in the city of Shiraz, was also detained, in June 2010, and was reportedly held incommunicado in solitary confinement for approximately two months. Authorities originally charged him with apostasy, but later dropped that charge and charged him with "blasphemy" instead. He is currently awaiting trial under this charge.

63. Sufi Muslims in the Islamic Republic of Iran are also subjected to limitations on their freedom of religion and various forms of religious discrimination. This is particularly true of members of the Shia Sufi order, Nematollahi Gonabadi. Authorities sentenced Gholam-Abbas Zare-Haqiqi, a Gonabadi leader, to four years in prison in October 2009, for allowing a burial at Sufi cemeteries, a banned practice. On 13 April 2011, authorities arrested eight Gonabadi dervishes by the names of Abdolreza Kashani, Shokrollah Hosseini, Alireza Abbasi, Ali Kashanifar, Mohammad Marvi, Nazarali Marvi, Ramin Soltankhah and Zafarali Moghimi. The men had been part of a group of dervishes previously sentenced to five months in prison, 50 lashes and one year's exile on charges of "disrupting public order", mainly for assembling in front of the Gonabad Justice Department and prison to protest the detainment of a leader of the order.

64. Ayatollah Yusuf Saanei is a prominent Shia source of emulation in Qom and has a track record of issuing fatwas with reformist interpretations. He supported Mir-Hossein Mousavi's candidacy during the 2009 election, and has been a vocal

E. Capital punishment

69. The interim report of the Secretary-General to the Human Rights Council (A/HRC/16/75) documented a dramatic increase in executions recorded in the Islamic Republic of Iran. In addition to serious concerns over the frequency of its application, the Special Rapporteur is concerned that the death penalty is regularly used in cases where due process rights were denied to the accused. Secret group executions inside prisons, which reportedly occur in alarmingly high numbers, are often carried out without the knowledge and presence of families and lawyers. Public executions, which the Iranian authorities claim have been effective in preventing crimes, also continue to recur. The Special Rapporteur was particularly disturbed by the video footage of recent public executions of three persons convicted of kidnapping and rape in the Azadi Square of Kermanshah on 19 July 2011. As seen in the footage, a large crowd, including children, attended the execution.

70. Moreover, the Special Rapporteur is troubled by reports of the widespread application of the death penalty for crimes that do not meet the international standard for most serious crimes. According to various sources, including Amnesty International, a majority of those executed in 2010 had been convicted of drug-related offences.[3] The Human Rights Committee and the Special Rapporteur on extrajudicial, summary or arbitrary executions have stated that drug offences do not constitute a "most serious crime" for which the death penalty is permissible under international law (see A/HRC/4/20, para. 51). Capital punishment was also applied to cases regarding *Mohareb* or "enmity against God", rape, murder, immoral acts or acts against chastity and kidnapping. More than 200 officially announced executions have taken place in 2011. At least 83 persons, including 3 political prisoners, are known to have been executed in January 2011 alone. It was also noted that 4 per cent of the executions announced by the official Iranian media stipulated no charges. At least one person has been sentenced for apostasy in 2011, and more than 100 officially announced executions in the Islamic Republic of Iran in 2011 were reportedly for drug-related crimes.

71. Furthermore, authorities reportedly conducted more than 300 secret executions at Vakilabad prison in 2010. Vakilabad officials, in violation of Iranian law, allegedly carried out the executions without the knowledge or presence of the inmates' lawyers or families and without prior notification to those executed. It has also been reported that at least 146 secret executions have taken place to date in 2011.

72. It has also been reported that more than 100 juveniles are on death row in the Islamic Republic of Iran. In a joint press statement, on 22 September 2011, the Special Rapporteur, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment condemned the public execution by hanging of 17-year-old Alireza Molla Soltani, which was carried out on 21 September in the city of Karaj. The Special Rapporteurs stressed that any judgement imposing the

[3] According to official judiciary news, Mohammad Bagher Bagheri, Social and Crime Prevention Deputy of South Khorasan province Judiciary, confirmed the executions of 140 persons in relation to drug-trafficking during 2010. Official judiciary news, 26 June 2011, available from http://shorakj.ir/Default.aspx?tabid=1056&ctl=Edit&mid=2234&Code=1762.

death penalty upon juveniles below the age of 18, and their execution, were incompatible with the international obligations of the Islamic Republic of Iran and called upon the Government to institute a moratorium on the death penalty. The execution of minors, defined as an individual under the age of 18 years at the time they committed their offence, is prohibited by the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to both of which the Islamic Republic of Iran is a State party. Moreover, the Special Rapporteur is concerned with the unequal treatment of boys and girls under the penal code, which currently holds girls criminally liable for their actions six years earlier than boys.

F. Detention for relations with foreign entities

73. Omid Kokabi, an Iranian scientist and a postgraduate student at the University of Texas, has been at Evin prison (wards 209 and 350) since February 2010, when he was arrested after travelling to the Islamic Republic of Iran to visit his family. His charges are cited as "illegitimate earnings" and "relations with an enemy state". Prior to his trial, which was later postponed, Mr. Kokabi wrote a letter to the head of the Iranian judiciary to report prison abuse, torture and solitary confinement. He also wrote that he had been arrested "for the astounding charge of assembly and collusion against national security and was held in solitary confinement for 36 days". Mr. Kokabi wrote that he had been forced to sign false confessions and to report details about individuals he may have observed or come into contact with at embassies or conferences. He stated that he had been told that those individuals were Central Intelligence Agency operatives. He asserts that he has no history of political activity and challenges the legality of his arrest. Mr. Kokabi's attorney also reportedly wrote to the head of the judiciary to declare that he had not had access to his client.

74. The Special Rapporteur conducted an interview with a source that wishes to remain anonymous regarding the arrest and detention of two physicians and HIV/AIDS experts, Arash and Kamiar Alaei, as well as two of their associates, Mohammad Ehsani and Silva Harotonian. A review of the court's decision, issued on 27 January 2004 by the Special Rapporteur, revealed that all four individuals were charged with committing "actions against domestic security by way of cooperation with the Government of the United States of America". A document containing the court's decision stated that the United States Government was suspected of "trying to attract and employ elements of non-governmental organizations, journalists, bloggers, members of the intellectual and educated class, scientific leaders, social movements, and students, by creating organic linkages". The document further cites the evidence used to convict the Alaei brothers, indicating that they had confessed to attending conferences, inviting individuals to participate in conferences and developing, coordinating and executing exchange programmes with entities such as Johns Hopkins University and the Asia Society.

IV. Conclusion

75. **The Special Rapporteur wishes to emphasize his desire for constructive dialogue with the Government of the Islamic Republic of Iran, the international community and civil society. The Special Rapporteur looks forward to the challenging responsibility of this mandate and to positive outcomes in the field**

of human rights in the Islamic Republic of Iran. He has identified a number of promising starting points for cooperation in the present report, notably in the implementation of the recommendations of the universal periodic review, treaty body observations and the findings of other special procedures mandate holders. He has also catalogued an increasing trend of alleged violations of the fundamental rights of the people, guaranteed under international law, and stresses the urgency for greater transparency from the Iranian authorities and closer engagement between the Islamic Republic of Iran and the international community in strengthening human rights safeguards for its citizens.

76. The Special Rapporteur encourages the Government to open greater space for the aforementioned groups of civil society actors to be able to carry out their work. He also wishes to stress the importance of freedom of expression and assembly for a democratic, open society governed by the rule of law, and encourages the Government to refrain from repressing dissent. The Special Rapporteur would also like to underscore the importance of perpetuating a culture of tolerance, and urges the Government to prevent discrimination against women, as well religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves.

77. The Special Rapporteur also remains concerned about the well-being and health of prisoners, especially those mentioned in the present report, and encourages the Government of the Islamic Republic of Iran to launch full investigations into those cases. He also requests that he be granted the ability to substantiate accounts raised here through access to both detention centres and those detained. The Special Rapporteur further requests that the Government of the Islamic Republic of Iran review those cases and furnish the Special Rapporteur with information that would enable him to report progress or developments in those matters to the General Assembly and the Human Rights Council. He also urges the Government to increase its cooperation with the special procedures, as this would create a productive space for further actions to improve the human rights situation in the Islamic Republic of Iran.

78. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran once again requests that he be allowed to visit that country in order to develop his dialogue with the authorities and either substantiate or lay to rest, allegations of human rights violations committed within its sovereign territory.

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Financing of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Financing arrangements for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo for the period from 1 July 2011 to 30 June 2012

Note by the Secretary-General

I. Introduction

1. The Security Council, by its resolution 1991 (2011), extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) until 30 June 2012 and decided, inter alia, that MONUSCO shall support the organization and conduct of national, provincial and local elections through the provision of technical and logistical support, as requested by the Congolese authorities.

2. The proposed budget for MONUSCO for the period from 1 July 2011 to 30 June 2012 contained in the report of the Secretary-General (A/65/744) amounted to $1,423,044,000 gross and provided for the deployment of 760 military observers, 19,815 military contingent personnel, 391 United Nations police officers, 1,050 formed police personnel, 1,126 international staff, 3,073 national staff, 638 United Nations Volunteers and 101 Government-provided personnel, including temporary positions. The proposed budget included resource requirements related to the staffing of the Electoral Assistance Division and for the initial estimated requirements for the movement of electoral materials for the national elections in the amount of $3,420,000.

3. As indicated in paragraph 16 of the budget report, while the Mission intended to support the national elections in 2011/12 through air and road transport of electoral personnel and material within the existing resources to the extent possible, should significant additional resources be required, they would be submitted to the General Assembly for its consideration after the finalization of detailed planning for the elections.

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4. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 19 of its report on the financing of MONUSCO (A/65/743/Add.8), noted the Secretary-General's statement that if, once the detailed planning stage was completed, there was a need for significant additional resources, a request would be presented to the General Assembly for its consideration. In the same paragraph, the Advisory Committee also stated its expectation that any request for additional resources for electoral support would be submitted in a timely manner for consideration by the Assembly in accordance with the established procedures.

5. By its resolution 65/296, the General Assembly appropriated the amount of $1,416,926,000 for the maintenance of the Mission for the period from 1 July 2011 to 30 June 2012. Pending finalization of detailed planning for the conduct of elections, the appropriated resources did not include full requirements for the logistical support of elections.

6. On 30 April 2011, the Commission électorale nationale indépendante (CENI) announced that presidential and National Assembly elections would be held jointly on 28 November 2011 and that provincial legislative elections would be held on 25 March 2012, followed by indirect elections for the second chamber of Parliament, the Senate, on 4 July 2012. The voter registration process, which was originally scheduled to be completed on 30 June 2011, was finalized on 17 July 2011. The seat distribution in the National and Provincial Assemblies, which is based on the results of the voter registration process, was approved by the Parliament and promulgated by the President of the Democratic Republic of the Congo on 17 August 2011. CENI will finalize candidate registration on 27 September 2011. There are 11 presidential candidates and over 17,000 candidates for National Assembly elections.

II. Electoral support resource requirements for MONUSCO for the period from 1 July 2011 to 30 June 2012

7. On the basis of the electoral calendar and in response to the request of the Government of the Democratic Republic of the Congo, additional resources in the amount of $74.6 million would be required for logistical support for the two elections scheduled in November 2011 and March 2012. The cost estimate would provide for the deployment of additional aircraft for the movement of electoral materials by air and the transportation of electoral officials and observers, as well as additional commercial freight charges for the movement of electoral materials by river and road from Kinshasa to main electoral hubs and sub-hubs. In addition, the cost estimate would cover requirements for the establishment of warehousing facilities at the main electoral hubs. The distribution of electoral materials from the sub-hubs to their final destinations would be undertaken by CENI.

8. The provision of logistical support for the conduct of two elections, pursuant to Security Council resolution 1991 (2011), constitutes an additional element in the mandate of MONUSCO for the 2011/12 period, for which no related provision had been included in the approved 2011/12 MONUSCO budget. Taking into account the amount of $1,416,926,000 gross previously approved by the General Assembly under the terms of its resolution 65/296 for the maintenance of the Mission for the 2011/12 period, the total resource requirements for MONUSCO for that period would amount to $1,491,486,100 gross, representing an increase of $74,560,100 gross (see table below).

Table
Financial resources
(Thousands of United States dollars. Budget year is from 1 July 2011 to 30 June 2012.)

Category	*Apportionment* (1)	*Electoral support requirements* (2)	*Total requirements* (3)=(1)+(2)
Military and police personnel			
Military observers	48 473.5	—	48 473.5
Military contingents	437 930.4	—	437 930.4
United Nations police	22 217.1	—	22 217.1
Formed police units	22 440.1	—	22 440.1
Subtotal	**531 061.1**	**—**	**531 061.1**
Civilian personnel			
International staff	202 503.3	—	202 503.3
National staff	69 752.5	—	69 752.5
United Nations Volunteers	30 369.7	—	30 369.7
General temporary assistance	11 579.7	—	11 579.7
Subtotal	**314 205.2**	**—**	**314 205.2**
Operational costs			
Government-provided personnel	4 776.8	—	4 776.8
Civilian electoral observers	—	—	—
Consultants	236.8	—	236.8
Official travel	10 408.4	—	10 408.4
Facilities and infrastructure	130 939.7	481.6	131 421.3
Ground transportation	37 493.9	—	37 493.9
Air transportation	276 703.2	62 575.1	339 278.3
Naval transportation	1 868.6	—	1 868.6
Communications	42 488.2	—	42 488.2
Information technology	12 997.2	—	12 997.2
Medical	15 003.5	—	15 003.5
Special equipment	6 145.8	—	6 145.8
Other supplies, services and equipment	31 097.6	11 503.4	42 601.0
Quick-impact projects	1 500.0	—	1 500.0
Subtotal	**571 659.7**	**74 560.1**	**646 219.8**
Gross requirements	**1 416 926.0**	**74 560.1**	**1 491 486.1**
Staff assessment income	31 980.5	—	31 980.5
Net requirements	**1 384 945.5**	**74 560.1**	**1 459 505.6**
Voluntary contributions in kind (budgeted)	**2 904.4**	**—**	**2 904.4**
Total requirements	**1 419 830.4**	**74 560.1**	**1 494 390.5**

9. The projected additional requirements of $481,600 under facilities and infrastructure relate to the establishment of 15 warehousing facilities at 13 main electoral hubs for the storage of approximately 17,000 tons of electoral materials for the national and provincial elections.

10. The projected additional requirements of $62,575,100 under air transportation relate primarily to rental and operation costs for the proposed deployment of a total of 20 aircraft (6 fixed-wing and 14 helicopters) for the period from November 2011 to April 2012 for the distribution of electoral materials from Kinshasa and Lubumbashi to 13 main electoral hubs and 197 sub-hubs throughout the country as well as the transportation of some 3,300 electoral officials and observers. The cost estimate also includes provision for 15.6 million litres of aviation fuel at an average cost of $1.130 per litre.

11. The projected additional requirements of $11,503,400 under other supplies, services and equipment relate to commercial freight charges for the transportation and distribution of electoral materials by road and river from Kinshasa to 13 main electoral hubs and 197 sub-hubs throughout the country, and take into account the amount of $3,420,000 previously appropriated by the General Assembly for this purpose in its resolution 65/296.

III. Action to be taken by the General Assembly

12. **The action to be taken by the General Assembly in connection with the financing of MONUSCO is to appropriate and assess the amount of $74,560,100 for the period from 1 July 2011 to 30 June 2012, in addition to the amount of $1,416,926,000 previously approved and assessed for the maintenance of the Mission for the same period under the provisions of Assembly resolution 65/296.**